"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation (No. 3) Bill, 1961, as passed by Lok Sabha at its sitting held on the 2nd May, 1961.

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

(ni)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation (Railways) No. 3 Bill, 1961, as passed by Lok Sabha at its sitting held on the 2nd May, 1961.

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

(IV)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Marking of Heavy Packages (Amendment) Bill, 1961, as passed by Lok Sabha at its sitting held on the 2nd May, 1961."

Sir, I lay a copy each of the four Bills on the Table.

LEAVE OF ABSENCE TO DR. P. J. THOMAS

MR. CHAIRMAN: I have to inform Members that the following letter dated April 27, 1961, has been received from Dr. P. J. Thomas:—

"As 1 am advised to avoid extreme heat, I fear I shall not be able to come to Delhi this month and the next.

I am sorry to trouble you once again. I shall be grateful if you will kindly place before the House my request for leave of absence for this session."

Is it the pleasure of V.ie- House that leave be granted to Dr. P. J. Thomas for remaining absent from all meetings of the House during the current session?

(No hon. Member dissented.)

MR. CHAIRMAN: Permission to remain absent is granted.

RESULT OF ELECTION TO THE CENTRAL SILK BOARD

MR. CHAIRMAN: Shri T. S. Pattabiraman being the only candidate nominated for election to the Cential Silk Board, he is declared duly elected to be a member of the said Board

THE CRIMINAL LAW (AMENDMENT) BILL, 1961—*continued.*

SHRI ROHIT M. DAVE (Gujarat): Sir, before you call my hon. friend to speak again, may I enquire what the time limit to this Bill is? What is the time allottied to each group for this Bill? I have no quarrel with my friend; he may speak as long as he likes but I would like to draw your attention that it has always been the practice that whenever such important Bills are before the House time is allotted to each group equally and we hope that the same time as is given to them will be allotted to us also.

SHRI BHUPESH GUPTA (West Bengal): May I make a submission? I think the hon. Member does not know; it is quite clear. We did not have the Business Advisory Com-

[Shri Bhupesh Gupta.]

mittee and therefore there is no time limit. And I shall be very happy . .

MR. CHAIRMAN: What Mr. Bhupesh Gupta wants is that you talk as long as he did so that the whole thing may be postponed from this session to the next session. He is trying to get youtr co-operation in this matter.

SHRI ROHIT M. DAVE: What we want is protection from the Chair *so* that the time is allotted equally for each group.

MR. CHAIRMAN: Thanks to Mr. Bhupesh Gupta we have to sit through lunch hour. The Minister will reply at about 3 O'Clock. I have a large number of names here. We shall try to give them as much time as possible. The amendments and the clauses will be taken up after the Minister's reply but not more than 15 minutes for each clause.

SHRI BHUPESH GUPTA: Sir, I have a submission to make before I •make my speech. Normally in the case of Bills we do not fix any time limit at all but when sometimes we are hard pressed for time we fix the time limit. That is how we proceed. But 15 minutes to a clause, I cannot quite appreciate. Anyway, your orders are orders.

Now, Sir, I think you are quite right; I would like the Bill to be delayed. Let me now start by adding to the information which I was imparting yesterday to the Home Minister. I may inform him today this morning that the Magistrate of Chamoli District, Mr. S. P. Watal—it is the newly-created district in Uttar Pradesh—told the pressmen there that he was not facing any such problems due to prejudicial activities on the part of the Communist Party. I have given the name and I have also given tjhe date; that is, roughly the middle jrf November. Then another gentleman, af the Garhwal Antarim Zilla Parishad, a Congressman, repudiated the allegations made against the Communist Party. Good Congressmen are there; many of them are there. This was done two months ago. Then Mr. Jogeswar Prasad Khandoli, President of the District Congress Committee of Garhwal, also in his private talks with friends and others repudiated these allegations. I do not know how many Congressmen I should name.

SHRI DAHYABHAI V. PATEL (Gujarat): Begin with the top.

SHRI BHUPESH GUPTA: Please don't disturb me; time is short. It is not merely a question of civil liberties and rights being curtailed. I shall give another example. Normally as matters now stand, Uttar Kasi, Chamoli and Pithoragarh are declared as border area. Tehri-Garhwal and Almora are not so declared. So what happens? There some people by talk ing about this kind of thing are try ing to create a war psychosis and they are carrying on such propaganda, do you know for what? Not because they are particularly against the Com munists but they think that by dodng so they would catch the attention af th$_e$ Central Government and could get more cement, more allocations, more grants and in that way they could have some improvement. It is a wonderful tiling going on there. The Government are sending cement at a cosh of Rs. 7 per bag to Garhwal and the Chamoi'i area. But they do not need it; the contractors who get it sell it in the black market at Rs. 4 per maund. I think the Govern ment is losing some money there. Shri Lall Bahadur will kindly not* that he is adopting such a policy that large quantities of cement go to such areas with a view to protecting the border but that is being sold in the black market. That is why some lawyers, one or two lawyers, are talking about these things, although they do not believe in it. Congressmen there, I must tell you—I am not saying that there are such prejudicial

activities on the part of the Communist Party there—are accusing that the Communist Party people are very active. The police is harassing people and intimidating people. I can understand the P.SP. and the Jana Sangh getting very angry with us. A.11 of them together cannot get more votes than we can. But the Congressmen naturally are also a little upset about it. Therefore, that aspect of the matter should be borne in mind.

Then, Sir, I have calculated it. We have 8,000 miles of borders and if you calculate it on the basis of thirty miles deep, 2,40,000 square miles would be within the range of this measure. Such a huge area, taking the country as a whole, would be open to the excessive use of excessive powers. Is it good? Is it fair? Such things should not be done. It is a badge of shame for any parliamentary institution and democracy that you throw open such huge areas to oppressive measures and caprices of high-handed officials.

Then, Sir, the other day I was very sorry to read in the press report that the Deputy Chairman said that I was trying to camouflage. There again, I make a submission. When there is a controversy between us and the Government, the remark should, I think, be such that it does not lead to the interpretation as if the Chair is supporting somebody else. I do not say that you are supporting, but the way the press has presented it in bold letters, it would be doing injustice to the Deputy Chairman. But anyway, I was camouflaging nothing. I do not hide anything here. I was unveiling the story that was not told by the hon. Minister there, the story of Mr. Patterson, the imperialist agents and those who carry on anti-national activities directed against the public interests of the countrj', which undermine the honour and prestige of the country, activities directed against the stand of the Government in foreign affairs. That is what I was doing. I would like to know from the hon. Minister, when he replies, what he has

to say about the series of allegations Mr. Patterson has made about his own contacts with certain officials of the secret service of the Government of India. That should be made clear. Let it be repudiated. I think that should be made clear.

Now the police is being armed perhaps with such excessive powers. I was a little shocked to learn that a foreign correspondent, this gentleman, Mr. George N. Patterson, addressed a meeting at Sapru House on the 7th November, and spoke on certain Tibetan affairs. Where is he now? I would like to know it from the Home Minister. What happened? Did you cancel his visa? Did you cancel his permit? If it were so, how is it that he was at large somewhere in Delhi, addressing a meeting in Sapru House? And I was told that a certain Deputy Minister—I will not name him—was present at the meeting. I would like to know these things. These are the stories, but why do such things happen? How is it that today I have to narrate the story of what happened, the story of the prejudicial activities of a certain imperialist agent, who claimed himself to be an agent of Britain, of America and what noti, who accused the Government and Mr. Nehru, in his books? He accused many others. How is it that I have to tell that story in the House? How is it . . .

MR. CHAIRMAN: Please speak in a low tone.

SHRI BHUPESH GUPTA: How is it that during the ten years he was carrying on such activities, which have been related now in his two books, one published in 1960 and an other in 1959, the Government did not bring forward such a Bill as this? The Government did not even mention this thing. When we asked questions and supplementaries, there was always evasion. Today they are coming down upon their countrymen, the Communist Party of India, because they do not like that Party, because we happen to be a major challenge from the electoral and other

[Shri Bhupesh Gupta.] points of view. I do not say that we are equal to the Congress Party, but certainly we are a big challenge. How is it—he should satisfy you, Sir,—that for ten years his activities were going on? Were they all sleeping in the Secretariat of Delhi? Were they all sleeping in the Central Intelligence Bureau under the Government of India? Were they all sleeping in Kalimpong and other places, where openly armed bands were organised by these people and so on? Now, Sir, at that time they did not feel the need for bringing forward such a measure. But as the third general elections are coming, as they have to make some concessions to the rightist elements in the country, be cause otherwise some Swatantra gentleman might be shouting some where else, they have brought for ward this Bill. Well, Sir, they may hit us, some of us. We can take it. We have taken many hits from them. But what would be most hit by this kind of thing is the institution of democracy in our country, fairness in public life and justice in public life. That is what I fear. Dr. Kunzru will noti be hit, because he never hits anybody. He is neither hit by us nor by the Government, nor by the British nor by the Congress. He has been an unhit man all his life. But we have been hit variously. We have been hit by the British, we have been hit by them ...

DR. H. N. KUNZRU (Uttar Pradesh): You hit me.

SHRI BHUPESH GUPTA: Never. You are a very innocent man. Sometimes you are saying things in favour of the Americans. After all I like you so much that I cannot think of doing any harm to you. You are so innocent, because nobody follows you in the country. I know this and, as Mr. Nehru and I said the other day, being an independent he ig above all of us. He is a high altitude man. But then we have to see, as he will be speaking. You will hear what he has to say, because he has read some of the things in the Library already and' he will be saying something. But here I say the Government is doing the wrong thing. How do you present your country before the world? You present it in a wrong light. In our country the situation is not such that you need such extraordinary powers to maintain the integrity of the country, the territorial integrity, and so on. It is not so, happily. And why do you make the country look as if the internal condition is such that such a measure is needed? Why do you make-it look like that? Why do you indirectly defame the country in the outside world just because of your partisan interests, just because it suits you to hit some communists and so on? I think they aire placing the interests of the party, certain pre-judices, before the interests of the country. *(Time bell rings).* Sir, you have rung the bell. Two minutes are there. Therefore, I shall finish in two minutes.

Finally, I would appeal, if I may make an appeal, to your sense of reason that even now there is time to withdraw this Bill. I know that the Bill will be supported. The support has got iready. I know that many people will support it and some people just because they belong to a-particular party. But I do not think that you should strain your party-discipline every time in this manner. I know that left to themselves many Congressmen would not have liked the-Bill. The demand for this Bill came from the opponents of the foreign noiicy of the Government, namely, the-Jana Sangh, the Swatantra Party—and' our hon. friends sometimes from the P.S.P. joining the chorus. Such is the position. Why do you have then such a Bill. It will be abused. People-will be attacked there. The rights and" liberties of the common man will be attacked. The officers will be oppressive and the funds of the Government will be utilised for all kinds of ends and not for real, constructive activities. Such is the position. Now, I' think, again he knows tbe border

areas. There they are very weak. Mr. Datar said the Communist Party was active. Why are you upset if we are active? When people suffer, we have to fight for the rights of the people. Even foreign policy is attacked in the borders by the Jana Sangh and Swatantra parties. We have to defend it. If you do not do so, we have to defend your progressive declarations and so on. We have to do common work for the reconstruction of the country and for the betterment of the country. Why are you upset if we are active? I cannot understand it. Now, this is not the right way. He gave out his mind when he said the Communist Party was active. We are not a party that goes to sleep. We are an active party and we shall continue to be active, active in the interests of the country and in the interests of the people. (Time *bell rings).* We shall continue to be active.

I appeal finally to Shri Lal Bahadur Shastri to take back this infamous measure and save the fair name of the country, from calumny.

DR, H. N. KUNZRU: Sir, I am very glad to have an opportunity of following Shri Bhupesh Gupta because he has given us so much material to discuss and even more material to think about.

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

Shri Bhupesh Gupta has discussed this Bill purely with reference to the Communist Party. He thinks that this Bill is an arbitrary measure meant unjustly to injure the Communist Party. We shall consider the position of the Communist Party Bater'. Let us consider the measure by itself.

The most important clause in the Bill is clause 2 which says:

> "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 yaars, or with fine, or with both."

My hon. friend, Shri Bhupesh Gupta, said that his Party never questioned the territorial integrity of India. But this clause is directed only against those who in any manner, whether directly or indirectly, question the territorial integrity or the frontiers of India. Is this measure by itself justifiable or not? Can we ai'low people ' particularly at this time to question the extent of our territories and the security of our frontiers? I am sure nobody here will say that any tenderness ought to be shown by us to a man who acts in such a way.

Again, this Bill which applies only to those people who question the territorial integrity or the frontiers of India lays down that a person who does such things will be proceeded with only if he acts in a manner prejudicial to the interests of the safety or security of India. A man may, on the basis of the historical facts that he has, be prepared to say that in this corner or in that corner our boundary is not exactly what we claim it to be, and that it ought to be modified in some respect. I am sure that this Bill' will not apply to him. It will apply only to a man who indulges in actions of the kind referred to in clause 2 with a view to prejudicing the interests of the safety or security of India. I take it, therefore. Sir, that Shri Bhupesh Gupta can have nothing to object to so far as this clause goes.

There is then clause 3. This clause says that some areas may be notified and people may be allowed to enter this area only after obtaining a permit from the Government of India. Kashmir was one of those areas where nobody was allowed to go for years without obtaining a permit from the Government of India. There is, there-

[Dr. H. N. Kunzru.] fore, nothing extraordinary in these provisions of clause 3, but clause 3 also lays down that if in a notified area anybody tries to tamper with the services there, he shall be punishable. Now if we are to take such measures to secure the safety of India, it must be obviously in these frontier areas, and it seems to me that apart from other things the Government will be amply justified in notifying certain frontier areas and treating any act . . .

SHRI BHUPESH GUPTA: What would happen to those pilgrims who go to Badrinath and Kidarnath, some one hundred thousand, every year?

DR. H. N. KUNZRU: I shall answer that question shortly. Government will be amply justified in restraining people from publishing or circulating in such an area any statement, rumour or report which is likely to be prejudicial to the maintenance of public o»rder or essential services or the services in the said area or to the interests of the safety or security of India. There is already a clause, clause 2, which deals with the safety and security of India. But this clause deals specially with efforts to interfere with the law and order position or with the public utility services. I think here too no one will question the desirability of severe action being taken in order to see that nothing that is prejudicial to the best interests of India is done there. I cannot see, Sir, that either of these two clauses hurts in any way any person who is not carrying on a propaganda against India and in favour of China.

My hon. friend, Shri Bhupesh Gupta, has said, repeatedly in his two hour long speeteta that the Communists-were not against the territorial integrity of India and that they indeed accepted the MacMahon Line in the eastern sector and the traditional border in the western sector. Well then, why should he attack this Bill on the ground that it will apply specially to the Communist Party?

Again, Sir, th$_e$ measures that I have drawn the attention of the House to cannot be made us$_e$ of by the executive in order to detain any person without trial. Anybody who is supposed to be doing anything prejudicial to the safety or security of India will be prosecuted in a court of law. There the name of the person will be known, his parentage will be known, his place of residence will be known, the Party, if any, to which he belongs will be known. So, every particular regarding him will be known, and the person concerned and those who are interested in him will have the fullest opportunity of defending him against the charges brought against him by Government. If this were, Sir, a measure extending Government's power of preventive detention, then, undoubtedly a great deal of what Shri Bhupesh Gupta said in his speech would apply to this measure. But the Bill says that every person will be dealt with judicially. All that the executive will do is to go to a court of law and say that according to the information received by it, this man— I mean the man whom they prosecute— has been guilty of actions covered by clause 2 or clause 3 of the Bill, and it will be for the court to determine whether the accused is guilty of the charges brought against him by the Government or not.

Sir, I have tried to make two points clear. One is that the Government is perefectly justified in bringing forward a Bill in order to penalise at the present time actions prejudicial to the safety and security of India. And the second point is that if anybody is charged with such an offence, he will be produced before a court of law which will decide whether the person has been guilty of the offence or not. No person, therefore, who, does not question the territorial integrity or the frontiers of India in such a manner that his actions may be regarded as prejudicial to the security and safety of India need fear that he can be dealt with under this Bill.

SHRI BHUPESH GUPTA: I understand your point. But my point was

th' . it was likely to be abused. That L *io.* 1. Secondly, it is much broader than what you are saying. Supply of essential things and all these things are there.

DR. H. N. KUNZRU: I have referred to it. When he says that it is much broader than I described it to be, I do not quite understand my hon. friend. I read out the exact words in sub-clause 2 of clause 3. I did not, therefore, say anything which amounted to an attempt to minimise the scope of the Bill. On the contrary, I said that in a notified area it would be more necessary than in any other area to see that the essential services and the law and order position were not prejudiced in any way by the action of anybody who acted in a manner countrary to the security of India.

Now, Sir, there remains still one more provision which I should like to refer to and that is clause 4. Now if individuals who act in a manner prejudicial to the security or safety of India are to be dealt with under the law, shall we allow writings prejudicial to the security or safety of India to be circulated freely? If people can be charged before courts of law for oral statements which are contrary to the interests of the security or safety of India, surely writings **atfd** other visible representations of the same kind ought not to be allowed to be circulated among the public. And how are they going to be dealt with? If Government feels that a book or a newspaper article Or a notice of a meeting is of such a character as to come within the mischief of clause 4, it will order the confiscation of all such material but the person who is proceeded against in this manner, that is the person who suffers on account of the confiscation of the material mentioned by me, will not be without a remedy. He will not be at the mercy of the executive. He will have the option of challenging the action of the'Government in a court of law. And if the court is of opinion that the person concerned does not come within the scope of clause 4 of the Bill, it will order the Government to return to him the confiscated material. Here again the matter will be finally decided not by the executive but by a court of law. It will be true, therefore, to say that the procedure laid down by the Bill with regard to the three operative clauses to which I have referred is judicial and that nobody need think, therefore, that if he displeases any official or acts contrary even to the policy of the Prime Minister of India he will suffer in any way if this Bill becomes law.

There is only one more question that remains to be examined. My hon. friend, Shri Bhupesh Gupta, said repeatedly that the Communist Party never questioned the territorial integrity of India; on the contrary, it expressly affirmed it in its own way, but in its own way. He referred to the resolution that was passed by the Communist Party of India in February, 1961. That is the latest. If you like, I can read out the earlier resolutions too so that the Members of the Communist Party may not think that I was taking up only a special resolution to run them down or to make out that they were acting in a manner which was not in consonance with the best interests of India. I think, therefore, that I better deal with some of the earlier resolutions passed by the Central Executive Committee of the Communist Party and by the National Council of the same party. On the 25th September 1959 the Executive Committee of the Communist Party passed a resolution with regard to matters at issue between India and China. Now, Sir, the first paragraph of this resolution says . . .

n

SHRI BHUPESH GUPTA: This is what you have read. No resolution said the Communist Party . . .

DR. **H.** N. **KUNZRU:** May hon. friend is trying to say all these things because he knows that his position is weak. I am going to confront him with the words used by the Executive Committee of the Communist Party.

[Dr. H. N. Kunzru.] The first paragraph runs as follows:—

> "The Central Executive Committee takes this opportunity to reiterate emphatically that our Party stands with the rest of the people for the territorial integrity of India and it shall be second to none in safeguarding it."

So far so good, Sir. But the words that follow deserve special attention:

> "But the Committee is confident that Socialist China can never commit aggression against India just as our country has no intention of aggression against China."

Now, Sir, what does this mean?

SHRI AKBAR ALI KHAN (Andhra Pradesh): It cancels the above.

DR. H. N. KUNZRU: It cancels the first sentence of the paragraph. The question of defending the territorial integrity of India does not arise if China has not been guilty of any aggression against India and is incapable of being aggressive. The Communist Party, therefore, has nothing to do but to pass a resolution. It is trafficking in words and words of a character—I do not want to be unfair either to Shri Bhupesh Gupta or to his party—which ar$_e$ meant to throw dust in the eyes of the public and the Government

SHRI BHUPESH GUPTA: Now you open their eyes.

AN HON. MEMBER: He is opening.

DR. H. N. KUNZRU: Their eyes have been opened and that is why *.hey have brought forward this measure.

SHRI BHUPESH GUPTA: You have opened them. Do you accept it?

DR. H. N. KUNZRU: Now, Sir, there is one thing more. There is a sentence in the second paragraph to which also I should like to draw the attention of the House:

> "Inside the country, extreme reactionaries such as leaders of the > F.S.P., Jana Sangh and the Swatantra Party are also trying to wreck the Pan ch Shila and India's entire foreign policy of non-alignment which has greatly strengthened our national independence and been a powerful factor for world peace."

SHRI BHUPESH GUPTA: Without owning or disowning it I must express my sorrow if Dr. Kunzru's name has not been mentioned along with the leaders of the P.S.P., Jana Sangh and the Swatantra Party here.

DR. H. N. KUNZRU: I do not know what my hon. friend means by saying this. If he means that because I disagree with the Communist Party I too am trying to go against the policy of non-alignment, and so on, he is welcome to his own opinion. What he says is that everybody who disagrees with him is against world peace and the security and safety of India. As I have said, he is welcome to hold this opinion if he likes.

Now I wish to draw the attention of the House to the more revealing resolution by the National Council of the Communist Party of India in November, 1959. The resolution was passed between the 10th and 15th November, 1959. I do not know the exact date.

SHRI BHUPESH GUPTA: Where was it passed?

DR. H. N. KUNZRU: At Meerut. Well, I did not know that my hon. friend Shri Bhupesh Gupta would need so much information in order to understand which resolution T was quoting from. I thought, Sir, that he was thoroughly conversant with the resolutions passed by his own party, but he does not seem to be aware of them.

SHRI BHUPESH GUPTA: But you seem to be confusing.

DR. H. N. KUNZRU: This resolution says:

"The four hundred million people of India and six hundred million people of China want to live and develop their respective national economies and cultures in peace and fraternal co-operation with each other. The foreign policies of the two Governments are wedded to peace. A Socialist China can never have any war-like designs on India just as free India can never think in terms of war against China."

.'Now, Sir, here again the Communist 'Party has nothing to do to defend the "territorial integrity of India since it is its view tliat China is incapable of taking up an aggressive attitude to--wards India, or of having any warlike designs on India.

Now, Sir. I come to the question of frontiers. The Communist Party is ready to shed its blood—mind you— in order to maintain the territorial integrity of India. Now how do they understand Hhese words, "territorial integrity of India"? This is clear From the second paragraph of the resolution that I am quoting from:

"The frontier of India and China stretches over hunderds of miles of high mountainous territory. It is unfortunate that in the Eastern sector of this frontier there has been no mutually agreed border while in the Western sector the traditional frontiers are vague and actual frontiers have never been clearly delineated. In these circumstances, charges and counter-charges of aggression have no meaning and are harmful."

Now, Sir, the members of the Communist Party are ready to. defend our traditional borders, but they hav? no clear idea of what our traditional borders are. They only say that there is a difference of opinion on that point. Consequently, these people, who are "true patriots, and who are anxious to do justice both to India and China, do not know what to do. In these circumstances they can only ask that the points of view of both the Governments should be taken into consideratio-n and fruitless negotiations should be continued indefinitely. This is the manner in which they will defend our traditional frontiers. Then they say:

"In the interest of abiding friendship between our country and China, it is of utmost importance that the frontier between the two countries, which stretches over hundreds of miles, should be settled finally and in its whole length."

Is not this what China says? Are those gentlemen who have passed this resolution siding with India or with China in terms of this resolution?

SHRI FARIDUL HAQ ANSARI (Uttar Pradesh): With China.

(Interruption.)

DR. H. N. KUNZRU: Then the resolution goes on to say:

"After carefully considering every factor and the arguments advanced , the National Council feels that such settlement is possible if political and administrative realities are taken as the most important factor in the formal delimitation of the frontier."

Now, Sir. this means that the Communist Party of India will never say to China, "Vacate your aggression", because China is a socialist country and it can never be guilty of any aggression. But it says to India: "You want to get back what you consider to be your territory, but you have not established that that territory is yours. You must therefore take the present political and administrative realities into account." And the political and administrative realities tell us that the area which India claims is in the possession of China. Again China has said repeatedly that India's administrative border was less than the territorial border claimed by it. Here again the Communist Party is lending support to the Chinese claim, and yet it has the audacity to say that it supports the traditional border of India,

[Dr. H. N. Kunzru.] that it will stand up for the territorial integrity of India.

Then, Sir, this resolution goes en to say that there ought to foe negotiations and that, in the meanwhile, the *status quo* should be maintained by both sides, and it goes on to congratulate Mr. Chou En-lai on having made such a proposal. Sir, further comment on this resolution is not needed.

SHRI BHUPESH GUPTA: The full text should be read.

DR. H. N. KUNZRU: I have got the text with me but it is obviously impossible for me to read out the whole text. If my hon. friend wanted me to read the whole resolution, he should have left some time for us to make our point of view clearer.

SHRI BHUPESH GUPTA: Ycu have been trying to read it in a wrong way.

DR. H. N. KUNZRU: My hon. friend, Shri Bhupesh Gupta, himself, when he took part in the debate on the President's Address to both the House?, said:

> "I do not like tough words because they will not help matters if we at all stand for a solution of the problem. Therefore, somehow or other I feel some expressions like 'breach of faith' could have been avoided in the Address."

This means that the Communist Party is trying by all means in its power to safeguard the interests of China. It will not regard China as having gone wrong in the least.

Shri Bhupesh Gupta has referred repeatedly to the resolution passed by the National Council of the Communist Party of India in February. T think it was on 19th February, 1961 that this resolution was passed. This resolution refers to the report of the team of officials appointed by the Government of India and the Government of China to consider ihe treaties, documents and other papers relating to the Indo-Chinese boundary. It says:

> "The Communist Party of India, 'has already declared in its Meerut Resolution that it upholds the traditional borders in the Western sector and the MacMahon Line as the-*de facto* boundary in the Eastern sector. While reiterating this stand, the National Council notes that in the process of discussions which led to the framing of these reports by the officials of the two Governments, each side collected a mass of material to prove its case. The material collected by the Indian side has led' the Indian people to believe that India's case is strong. The National Council, however, notes that the Chinese side has collected a mass of material to prove its case and that on the basis of this material, the Chinese side rejects the soundness of India's ease.
>
> The result is a deadlock in the-official level talks . . . .".

Consider, Sir, the impartial and almost judicial language used in the-resolution of the Communist Party of India:

> ". . This deadlock can be broken only through direct negotiations on a political oasis between the two Governments as both are committed to the method of settlement through mutual negotiations in case of dispute between them."

Now, Sir, I want to draw the attention of the House to the words, "on a political basis". Sir, the business of the official teams was to find out the material[1] relating to the ownership of certain territories on the western border. The question, therefore, was one-of fact, not of opinion or politics or of anything else. But the Communist Party of India now asks us to enter into negotiations with China On a "political basis". This only means that the Communist Party does not

want India t$_0$ claim the territory j which judicially belongs to it. It wants to consider the Chinese point of view also and give it a part of the territory which belongs to itself. This is what the words "political basis" mean. I hope my hon. friend will not ask ms to read out the whole of this resolution. If he likes, I can read it from the New Age.

SHRI BHUPESH GUPTA: Tht hon. Member has shown sufficient misunderstanding of the resolution. I do not want him to add to his misunderstanding.

DR. H. N. KUNZRU: Thank you. He spoke for two hours but never explained the significance of any of the resolutions.

SHRI BHUPESH GUPTA: You are explaining it.

DR. H. N. KUNZRU: There are other things highly objectionable in this but I do not want to refer to them because I have made three points which seem to me to show beyond all question that a Bill of the kind before us is needed and urgently needed at the present time. My complaint against the Government of India is that such a Bill was not brought forward earlier. It is because of their softness, because of their tenderness towards those people who were questioning the territorial integrity of India that they did not take this action. They thought that they would be accused of trying to suppress a party which was against the Congress Party, if they took action in this matter. I think this was their weakness and deplorable weakness. However, I am glad that this Bill! has been brought forward even now.

The Bill, Sir, is a judicial measure. Nobody will be deprived of his freedom or punished in any way or deprived of his property without having an opportunity of going to a court of law. It is the courts of law that will in the last place decide whether a man has been guilty of the offence he has been charged with or not. Secondly, if the Bill is supposed to apply especially to the Communist Party, as Shri Bhupesh Gupta thought it to be, then too, I think, the Bill is fully justified. The resolutions passed by the Communist Party of India show that the Communist Party of India stands much more for China than it does for India.

SOME HON. MEMBERS: Hear, hear.

SHRI BHUPESH GUPTA: Yds, yes,, hear him. It is easy for him to say this thing. But when did he stand against the British, may I ask him?

DR. H. N. KUNZRU: My hon.. friend is either too young or pretends to be so ignorant as not to know what-I did when the British were here.

SHRI FARIDUL HAQ ANSARI: At that time when we were fighting the British imperialism Communists were supporting British Imperialism.

DR. H. N. KUNZRU: I have no-need for a certificate in this respect. The thing is that my hon. friend is upset because he and his party have been thoroughly exposed. When the Communist Party of India says that Socialist China can never be guilty of aggression against India and asks India to discuss things in the light of political and administrative realities with China, shall we be unreasonable in supposing that individual members of the Communist Party will act in the same manner? They will go and say to the people: "Communist China can never be guilty of aggression towards India", thus implying that India might be unreasonable and might occupy a territory belonging to China but China can never be guilty of such a thing. Again, can they not go and say to the people: "Well, we have said to India that we ar$_e$ not against the interests of India. We only say that the matter should be discussed in the light of administrative and political realities. What is the good of fighting? After all, we have to settle thi$_s$ question peacefully, and how can we settle it peacefully unless we take the existing realities into account?"

[Dr. H. N. Kunzru.] Sir, Shri Bhupesh Gupta made great play with what the Prime Minister said in this House, and said that the persons whose names had been taken had proved their innocence. They had claimed and they had proved that they were not in the area where they were supposed to have been by the Prime Minister. It is not necessary for me or for anybody here to 1 P.M. deal with the Prime Minister's statement or that of anybody else. Here are the resolutions of the •Communist Party of India. Will the .Members of the Communist Party of India act On that resolution or on something else? If they act on that resolution, then they will act in a manner prejudicial to the security and safety of India and they must therefore be dealt with.

SHRI BHUPESH GUPTA: May I •draw your attention to one little thing?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : No speech.

DR. H. N. KUNZRU: I am prepared to answer any question that my hon. friend wants to put to me.

DIWAN CH AM AN LALL (Punjab): Sir, perhaps he may put the questions to me and I will reply. Sir, the debate on this very important measure has turned into a debate on Shri Bhupesh Gupta and the fault is not of this House. The fault is entirely that of Shri Gupta. I have very great respect for my friend, Mr. Gupta.

SHRI AKBAR ALI KHAN: He represents a certain party and we are against his party.

DIWAN CHAMAN LALL: I am going to deal with his party and deal with hirn and I want to deal with him because he has turned or converted the debate into a debate on the views and opinions of Mr. Bhupeih Gupta. We are not concerned with his rather irrelevant views arid opinions. What Mr. Gupta has done is this. He has indic- I ted this measure because in the wisdom of the Home Ministry, some time or other he and his colleagues may be arrested under the provisions of this measure. Therefore he says, 'Please do not touch me. I am not guilty and if you do touch me and if you pass this particular measure, then I am free to call it dishonest, I call it cowardly and I call it arbitrary.' He used these adjectives.

SHRI BHUPESH GUPTA: On y three.

DIWAN CHAMAN LALL. They were three rather strong adjectives but those three strong adjectives did not make up a single argument. This is a denial of argument. What my friend has done is this. He has tried to make out that this is an oppressive measure. Oppressive for whom? Does he read this measure? Has he read it? You take the three important clauses of this measure—clauses 2, 3 and 4—and these clauses lay down that if any person questions the integrity of our frontiers or does something against the security of oux eountry or the maintenance of essential supplies in the notified area, then he can be dealt with under the provisions of this measure. Is Mr. Gupta going to evade this particular responsibility? Is he going to question the frontiers and the borders of our country? Is he going adversely to affect the integrity of our soil? Is he going to interfere with the movement of essential commodities in the notified area under tfo's measure? If he is going to do it, then obviously it is the duty of my hon. friend over there to take action against him or any other person who contravenes the provisions of this measure. The main objective of this measure is to safeguard this country. Why should Mr. Gupta be so eloquent, irrelevantly eloquent, about this measure? I ask him a simple question and I want a simple reply from him.

Can he guarantee that no man in the future, whether he belongs to his party or to any other party will ques-

tion the integrity of our borders? Can he guarantee that? If he can guarantee that, there is no need for a measure of this nature but I know that he cannot guarantee this because I know, as Dr. Kunzru has read out portions from these resolutions, that the question uppermost in Mr. Gupta's mind is not this. What is in his mind is that we have no border defined. If the Chinese have come into the particular area, they have come in because we have not defined that particular border and no question of aggression arises. The real question is a question of aggression in that area or no aggression in that area. According to him, there has been *no* aggression. Why? It is because there is a traditional area and he accepts the traditional area which he defines as an area which is completely vague, completely undeli-neated. not laid down either on the map or on the ground. Therefore, there is no border. He calls it a traditional "border because there is no border according tn him and if anybody crosses that border, then according to him, no aggression has been committed. That is the position of Mr. Gupta but I take it that that is not the position of hon. Members ol this House, certainly not of those who feel that the integrity of our soil has to be preserved and guaranteed by the blood of the children of this soil. There can be no hanky-panky with the frontiers of this country, as, from our point of view, these frontiers have been there for centuries and nobody has attempted to cross them. What surpasses my imagination, with my concept of what is wrong and what is right, is that for centuries, China and India faced each other, never crossed this particular border which is now being crossed and I ask my friend Mr. Gupta to find out why it is now, at this particular stage, in this particular situation in which we find ourselves as the only friend that China had, the only effective friend that China had, why at this stage the Chinese crossed this border when, for centuries, this border remained where it was, whether there was a human being living there or not, whether there was a delineated line or not, whether on the spot a demarcation had taken place or not. Why for centuries when they did not cross this border, did they cross this border now and having crossed the border, destroyed in the process, the friendship of the only country that had stood by them? Can my friend answer this question? Can anybody answer this question? Why at this particular stage in the history of the world and of the relationship between China and India did this happen? Remember that India was the only friend that China had, the only effective friend and I do not yield in this matter, in the matter of friendship between India and China, even to the friendship between China and the Soviet Union. The Soviet Union may be a greater friend of China but not an effective friend as we were an effective friend in the councils of the World. India stood by China time and again in the councils of the World. China consulted India time and again on even little matters like little items of news in American magazines like "Time", when we would *get* a cable, the Prime Minister would get a cable from the Prime Minister of China, drawing his attention to what had appeared in such papers. Such was the close consultation. Who destroyed that? Did we destroy that? Did we do a single thing to destroy that friendship? Some body marches into our territory which we claim to be our territory, which for centuries has been our territory. Somebody marches into our territory and with one stroke or one step across our border destroys that deep friendship which had grown up between these two countries. Nobody regrets more than I do, Sir, this breach of this great friendship. Ten years ago, opening the debate in this House on the President's Address, I said: 'India was always the window to the world for China. It was India that carried the banner for China, where that banner was not permitted. It was India that fought to get China admitted into the U.N. It is India that stood by China every time, and continues, curiously enough, to stand by China even now

[Diwan Chaman Lall]

which, I think, is a very great thing indeed, but who destroyed this friendship? I think Mr. Gupta should consider this particular aspect of the problem. I have no doubt in my mind that somewhere some mistake has been made by a great and friendly power, which was to turn India almost to a man—I make an exception of some of my friends—against the action that China took in India. It is a very great tragedy, it is an inttr-national tragedy, when it is our declared policy to befriend every nation in the world, to stand for the right causes, for freedom and peace in the world, for such a thing to happen to us on behalf of a nation that we have taken to our bosom, held as a friend, proclaimed as a friend, that such a thing should happen to us is one of the biggest tragedies of our times. And instead of worrying about that, my hon. friend is worried about the personal safety of some of those who might question the provisions of this measure. We are not worried about them. They are traitors. I am greatly surprised at my hon. friend being so meek and mild and bringing in a measure with a punishment of one year in one case and three years' imprisonment in another. In other countries the bullet would be the punishment for a traitor. That will be the punishment meted out for a crime of this nature. It would not be a question only of imprisonment of this kind. Anyone who questions the integrity of India, the border of our coim-try, is indeed a traitor to his country and he must be looked upon in that light and the punishment meted out to Hirn must be the punishment meted out to a traitor. He is not a mere culprit who gets a sentence of three years' imprisonment. This is a very serious matter and I do not want my hon. friend to run away with the idea that this measure is one calling from him a speech which I may call an apologia sua. It was an apology on his part, regarding the sentiments that he was expressing. Dr. Kunzru was quite right. What the Meerut Resolution did was to say that the party

ved in the traditional boundary in the west and the Macmahon Line on the east. The Macmahon Line, at any rate, is a lin_e that has been demarcated on the map. But the traditional boundary on the west even according to his party's respresenta-tives is a vague line. It has never been delineated. Therefore, they believe' that any aggression that has taken place according t_0 u&, in that particular area, is no aggression as far as they are concerned. That is a very serious matter. It is a very serious matter indeed. It is lunning with the hare and hunting with the hound, at the same time. You cannot have it both ways. You have got to stand by saying that no aggression has taken country in a matter of this nature, however friendly that country might be, and however ideologically near you may be to that particular country Yes, by all means talk to them. I have indeed talked to them. We have had long discussions en this particular matter, about Tibet and various other issues that have arisen. Talk with them by all means. But do not turn your country into a country which is a satellite country of another country by saying that no aggression has taken place in this area and that this measure is not meant for a particular purpose of national importance, but it is merely meant to catth you or some others, to imprison you or to take-action against your party. That is not so. Let me make it perfectly clear that it is not so, It is meant for those who are unpatriotic enough to try to challenge the declared frontiers of our country. It is meant for those people and the worse the punishment the better it is fo? the honour and glory of our country.

Sir, this Bill nas got ten important points which have been dealt with by the hon. Minister who opened the debate. Let me ask Mr. Bhupesh Gupta: Does it matter whether any State has demanded or not demanded a measure of this kind? Does he not know—and he cannot be so ignorant as all that—that the frontiers of India,

that the integrity of the frontiers of our country is a entral subject? It should be the concern of hon friends sitting over there an 1 of all of us, and it should be our duty to see Io it that the frontiers and the borders of our land are secured and that there is no interference in the border ai-eas which are so important for the security of the whole country. Therefore, the question whether X, Y, Z State or A, B, C, or D State supports the measure or not is out of perspective altogether. It does not matter. I am quite sure and I do not think this Bill would have come before the House but for some people being a little more Chinese than the Chinese themselves. It is a great pity. They have not questioned what we consider to be an invasion of, and an intrusion into, our territory. They have not questioned it and they do not question it, because they say that the border is traditional. They do not question it because it is the traditional border and it is vague and therefore, even though there has been intrusion and aggression on our soil, as far as they are concerned, there has been no aggression, there has been no intrusion. That is the sum total of the position that they hold today. But that is a wrong position. No Indian and no patriotic Indian can hold a position of that nature. It is a different matter that we do not use strong language in regard to this particular issue. It is a different matter that we may not go to war over an issue of this nature. We are a peaceful people and we do not intend to go to war over an issue of this nature. "We really do believe in peace, not merely by word of mouth, but in actual reality, we are a peaceful nation and we believe in peace not only in our own country, but we believe in peace for the whole world. But then we should not be driven too far. It is not right that we should be driven too far by anybody. And so, in these circumstances, when India -was so friendly to China, India was shocked by the action that the Chinese took. Each one of us is shocked. The question arises: Why did they do it? Was it the question of this road, the road that links Tibet with Sinkiang, the old caravan route which has now been turned into a motorable road? It is the only direct road certainly, between Tibet and Sinkiang, for otherwise they have to go all round some thousands of miles. Was it a question oif this road then? The great statesmen in China, could they not see that if they sat down with the Prime Minister of India and discussed the question of the use of this road, there would have been no difficulty? Was it neeessary to penetrate hundreds of miles into Indian territory?

DR. H. N. KUNZRU: Twelve thousand square miles.

DIWAN CHAMAN LALL: Yes, twelve thousand square miles. Was it necessary to capture so much Indian territory • in order to secure this particular road, when this parti cular road Or the use of this ©articular road was a matter which could be settled in a most friendly manner between two friends as we were and, as I hope, sooner or later when wis dom .dawns upon some people, we shall still continue to be? It amazes me to see what follies can be com mitted by great statesmen over small matters. I do hope. Sir, that my. learned friend, Shri Bhupesh Gupta, will ponder over the words that I have uttered and try to persuade his friends, as we shall try to persuade him and his friends, to see reason with regard to this issue, an issue which has pained the nation and pain ed the world and shocked the world. The world is shocked to see two friends such as we were, fall out, not because of any fault of ours, but because our territory has been invaded. And it is in order to prevent any person from challenging and questioning the territorial integrity of our country that this measure is before the House and I wish and hope that it will obtain the unanimous support of every Member of this House.

श्रीमती मायादेवी छेत्री (पश्चिमी बंगाल) उपसभाध्यक्ष महोदय, मैं इस बिल का समर्थन करती हूं और स्वागत भी करती हूं। लेकिन इस तरह का बिल बहुत दिन पहले ही आ जाना चाहिये था, कारण यह है कि हमारे देश का बार्डर प्रायः सभी अन्य देशों के नजदीक है, जैसे पाकिस्तान, तिब्बत, नेपाल, भूटान, इत्यादि। इस बार्डर क्षेत्र में आज से नहीं, अनेक दिनों से तरह तरह की अफवाहें उड़ रही थीं तब भी सरकार ने इस बिल को लाना उचित नहीं समझा और आज जब इतने दिनों तक भी हमारी बार्डर क्षेत्र की परिस्थिति में सुधार नहीं हुआ तो उसके कारण इस विधेयक को यहां पर लाना पड़ा।

इस विधेयक के शुरू में लिखा हुआ है कि : It extends to the whole of India except the State of Jammu and Kashmir. हम जानते हैं कि जम्मू और काश्मीर का बार्डर एरिया हमारे अधिकार क्षेत्र में है और वह भी खतरे से बचा नहीं है। जिस तरह से भी हो, अभी हमारे सदस्यों ने तरह तरह की आलोचना इस सदन में की है।

हमें लगता है कि जम्मू और काश्मीर को यहां पर इस बिल में लाना चाहिये था। यह तो काश्मीर स्टेट गवर्नमेंट के हित में है कि उस बार्डर एरिया को सेंटर के हाथ में सौंप कर सुरक्षित रखें। हमें इसके बारे में ठीक से पता नहीं लेकिन अभी दीवान चमनलाल साहब ने कहा है कि सारा बार्डर एरिया सेंटर का है। तो यह जम्मू और काश्मीर का क्षेत्र जो बार्डर में पड़ता है उसको यहां इस बिल में क्यों न लाया जाय ? यदि असुविधा हो तो स्टेट गवर्नमेंट को चाहिये वह इसको अच्छी तरह से डील करे।

दूसरी बात यह है कि काश्मीर का बार्डर एरिया, यू० पी० का बार्डर एरिया, हिमाचल प्रदेश का बार्डर एरिया, बंगाल का बार्डर एरिया दार्जिलिंग और कालिम्पांग, और आसाम का बार्डर एरिया, ये जितने भी सब बार्डर एरियाज हैं वे अनेक दिनों से अंडर-डेवलप्ड एरिया रहे हैं। ब्रिटिश जमाने में भी इनकी तरफ कोई ध्यान नहीं दिया गया। कितने ही शासक बदले, कितनी ही देश की परिस्थिति बदली पर वहां के रहने वाले लोगों की सामाजिक स्थिति, रहन सहन, जैसे का तैसा ही रहा। उस दिन दार्जिलिंग में हमारे प्राइम मिनिस्टर गये थे, उन्होंने भी हमें यही बताया—उनका एक बार हिमाचल प्रदेश की तरफ, गढ़वाल की तरफ दौरा पड़ा था—और उन्होंने देखा कि हमारे देश में ऐसे क्षेत्र भी थे कि जहां पर जाने के लिये कोई रास्ता भी नहीं था और न किसी प्रकार की सुविधा थी। अब जबकि हमारा देश स्वाधीन हो चुका है, स्वाधीन होने के बाद हमारी सरकार ने तरह तरह की कोशिशें कीं कि उस अन्डेवलप्ड एरिया को उन्नत किया जाये, पर कांग्रेस की एक सदस्या होने के नाते मैं इतना तो कह ही सकती हूं कि हमारे आफिसर्स, हमारी मैशीनरी उतनी अच्छी नहीं है जो कि उस काम को संभाल सकें जो कि सरकार बार्डर एरियाज के लोगों की उन्नति के लिये चाहती है। बार्डर एरिया के लिये करोड़ों रुपया खर्च होता है पर उन लोगों का उतना फायदा नहीं होता है जितना कि होना चाहिये। एक वजह हमको यह लगती है, क्योंकि मैं भी उस एरिया से आती हूं, उसी पहाड़ी क्षेत्र से आती हूं, और सारे देश के पहाड़ी क्षेत्र को मैं एक ही नजर से देखती हूं, वहां एक दिक्कत ऐसी है कि वहां हमारे जितने भी आफिसर्स हैं वे नीचे से, मैदानी क्षेत्र से जाते हैं और अन्य भाषी होने के कारण हमारे एरिया में जब जाते हैं तो हमारे सीधे सादे आदमियों के ऊपर कोई प्रभाव नहीं डाल सकते हैं। इसके कारण उनकी उतनी उन्नति नहीं हो सकती है। भूपेश गुप्ता जी हंस रहे हैं क्योंकि मैंने सीधा आक्षेप नहीं किया,

अपवाद नहीं लगाया । मैं कहना नहीं चाहती कि हमारे कम्यूनिस्ट भाई हमारे भाई नहीं हैं, वे हमारे देश-भाई हैं और भूपेश गुप्ता जी मेरी स्टेट के हैं, हम दोनों एक ही स्टेट से आए हैं । पर्सनल तरीके से मुझको उनके बारे में कुछ कहना नहीं है । कल श्री एस० एन० मजूमदार की बात भी उन्होंने कही है । मजूमदार इस हाउस के मैम्बर रह चुके हैं, हमारे एक कांग्रेस कैन्डीडेट को हराकर वे एसेम्बली में गए हैं । वे भी अच्छे आदमी हैं, आप लोग सब अच्छे आदमी हैं, पर आप लोगों की नीति उतनी अच्छी नहीं है देश के लिये । आज आपको देश के लिये अपनी नीति बदलने की बहुत ही जरूरत है । क्योंकि हमारे देश के पड़ौसी देश सीमा सम्बन्धी झगड़ों के कारण जितने पहले अच्छे मित्र थे उस हिसाब से अब हमारे मित्र नहीं रहे । जब हमारे मित्र हमारा साथ नहीं देते हैं तो हमारे देश की जनता को भी और हमारे देश के लीडर्स को भी देखना चाहिए कि थोड़े दिन हमारे मित्र अच्छे मित्रों की तरह रहे और आज वे मित्र हमारा साथ नहीं दे रहे हैं तो अपना ध्येय क्या होना चाहिये, अपनी पालिसी क्या होनी चाहिये ? अपनी पालिसी को बदलना चाहिये या नहीं बदलना चाहिये, यह विचार करने की बात है । डा० कुंजरू साहब ने साफ तौर से बता दिया है कि क्या पालिसी होनी चाहिये । उनके जैसे अनुभवी सदस्य के अनुभवों से सदन को लाभ उठाना चाहिये । उन्होंने आपकी कम्यूनिस्ट पार्टी का रिजोल्यूशन भी थोड़ा पढ़ कर सुनाया । आज भी आप अपने रिजोल्यूशन को बदल सकते हैं, अपनी नीति को बदल सकते हैं ।

श्री भूपेश गुप्त : आपने पूरा रिजोल्यूशन पढ़ा है क्या ?

श्रीमती मायादेवी छेत्री : डा० कुंजरू ने जो यहां पर पढ़ कर सुनाया वह सुना । पर जो भी हो . . .

Shri BHUPESH GUPTA: I will give you.

श्रीमती मायादेवी छेत्री : . . . हम सोचते हैं कि आपके रिजोल्यूशन में, आपकी नीति में कोई बदलाव नहीं हुआ अभी तक । आज अपने देश में सीमा पर खतरा हो रहा है, सीमान्त प्रदेश में चाइनीज का कब्जा हो रहा है, तो आपकी नीति में बदलाव होना चाहिये, पर अपनी नीति को जैसे का तैसा रख देना इससे हमारे देश को बहुत खतरा हो रहा है । आपने उसके विरोध में एक भी पबलिक मीटिंग नहीं की, हमारे देश को इतना खतरा हो रहा है फिर भी आपने विरोध प्रकट नहीं किया । आपने यहां डेढ़ दो घंटे सदन में बोल दिया और अपने दल को पीछे रख कर उस पुस्तक के बारे में बार बार दोहराया जो किसी एक आदमी ने लिखी है। उस पुस्तक को आगे रख कर अपनी पार्टी को आप पीछे रखना चाहते हैं । मैं तो चाहती हूं कि आप अपने धैर्य को त्याग कर, अपने में बल पैदा कीजिए क्योंकि आज देश खतरे में है । खतरे में हो या न हो, पर हमें आपकी पार्टी की तरफ से तो खतरा लगता ही है । तो आज यह बिल आने की जरूरत क्यों हुई ? बारह वर्ष हुए इसे देश को स्वाधीन हुए, आज तक इस बिल के आने की कोई जरूरत नहीं थी, आज यह बिल लाने की जरूरत पड़ी, क्योंकि आपकी नीति में स्थिरता नहीं है । हमारे सीमान्त प्रदेश में हिमालय जैसा रक्षक खड़ा है, वहां से हो कर हमारे देश में कोई आ नहीं सकता, उसके रहते हमारे देश की सार्वभौमिकता अक्षुण्ण रहती है, ऐसी आपकी स्थिरता होती तो आज यह बिल लाने की जरूरत ही नहीं पड़ती ।

थोड़ा सा विषयांतर हो गया है बोलते बोलते, लेकिन मैं कह रही थी कि हमारे इस क्षेत्र में सब से बड़ा सवाल है अन्डम्प्लायमेंट का । जहां पर अन्डम्प्लायमेन्ट होता है वहां तरह तरह का इकानामिक डिप्रेशन होता है, कोई भी पार्टी जा कर उनको एक्स-

[श्रीमती माया देवी छेत्री]

प्लाइट कर सकती है : "तुम्हारे लिए कुछ नहीं हुआ, तुम्हारे लिये यह नहीं हुआ" कुछ भी कह सकते हैं । इसलिए सब से बड़ी बात यह है कि हमारे इस पहाड़ी अंचल में, केवल दार्जिलिंग ही नहीं जितने भी पहाड़ी अंचल हैं, बार्डर एरियाज हैं सब में, वहां के रहने वाले आदमियों को संतुष्ट रखने की जरूरत है । संतोष नहीं रहेगा तो आर्मी के बल से, एयरफोर्स के बल से, जबर्दस्ती कर के देश रक्षा कुछ होने वाली नहीं है । मुझे खुशी है कि हमारी डिप्टी मिनिस्टर साहिबा भी यहां बैठी हैं, उन को मालूम है क्योंकि वे भी एक सदस्या रही हैं । आदमी को जब तक संतोष न हो तब तक आप आर्मी द्वारा या एयरफोर्स द्वारा कोई क्षेत्र नहीं ले सकते हैं । मैं यह कहना चाहती हूं कि दार्जिलिंग एरिया में सब नैपाली भाषा भाषी लोग रहते हैं और जितने भी अफसर वहां काम करते हैं वे सब नीचे से आते हैं । इन अफसरों की वहां के लोगों से न भाषा ही मिलती है और न रीतिरिवाज ही मिलते हैं । इस तरह से उस क्षेत्र की उन्नति नहीं हो सकती है । मेरा कहना यह है कि ऐसे अफसर जो वहां की भाषा नहीं जानते हैं और न ही वहां के रीति रिवाज जानते हैं किस तरह से वहां की उन्नति कर सकते हैं ? इस तरह के अफसरों को वहां की उन्नति का कार्य नहीं सौंपा जाना चाहिये । वहां जो नीचे से अफसर जाते हैं वे वहां अफसरी ढंग से रहते हैं और वे वहां की जनता से मिलने में अपना एक तरह का अपमान समझते हैं । इन सब बातों की वजह से उस क्षेत्र की उन्नति नहीं हो रही है । अगर यही हमारी नीति रही तो हम अपने देश की उन्नति नहीं कर सकेंगे ।

अभी तक कालिम्पोंग का तिब्बत के साथ ट्रेड होता चला आ रहा था लेकिन हाल की घटनाओं से वह अब बंद हो गया है । इसका नतीजा यह हुआ कि कालिम्पोंग में पहले बड़े बड़े व्यापारी थे जो तिब्बत के साथ व्यापार करते थे लेकिन अब उस देश से व्यापार बंद होने की वजह से वे लोग , वहां की जनता अनएम्प्लायड हो गये हैं । पहले कालिम्पोंग में बड़ी बड़ी ऊन के गोदाम और फैक्टरियां थी लेकिन अब वे सब बन्द हो गई हैं । इसका नतीजा यह हुआ कि वहां के हजारों लोग बेकार हो गये हैं । इस के साथ ही साथ हमारे विपक्षी भाई जा कर वहां के लोगों में एक तरह का यह प्रोपेगन्डा करते हैं कि चाइनीज के आने से तुम लोगों को भर पेट खाने को मिलेगा । पहनने को कपड़ा मिलेगा और दूसरी सुविधाएं मिलेंगी । इस तरह का प्रोपेगन्डा हमारे विपक्ष के भाई लोग करते हैं जिसको सेन्टर की सरकार ने भी मान लिया है । जब इस तरह का प्रोपेगन्डा होता है तो लोगों के मन में एक तरह का भ्रम पैदा हो जाता है और वे सोचने लगते हैं कि चलो दूसरी गवर्नमेंट के आने से हमें कुछ सुख सुविधा मिल जायेगी या कुछ प्रबन्ध हो जायेगा । वहां के लोग बहुत सीधे सादे और देशभक्त हैं । वे किसी के भड़काने में नहीं आ सकते हैं । उन के दिलों में अपने देश के प्रति प्रेम और श्रद्धा है और किसी पार्टी के भड़काने से उन के दिलों में किसी तरह का कोई असर नहीं पड़ने वाला है । अभी तक तो हमारे विपक्षी भाइयों के प्रोपेगन्डा का कोई असर उन पर नहीं पड़ा है और मुझे आशा और भरोसा है कि भविष्य में भी उन के दिलों में कोई असर नहीं पड़ेगा ।

इस संबंध में हम गवर्नमेंट की तरफ से यह चाहते हैं कि जो वहां के बौर्डरवासी लोग हैं उन्हें नौकरी में प्रथम स्थान दिया जाना चाहिये ताकि उन के दिलों में इस तरह का असंतोष न रहे कि नीचे के लोग यहां आकर नौकरी करते हैं और उन्हें नीचे भेजा जाता है । अगर वहां के

ही लोगों को सरकारी नौकरियों में लगाया जायेगा तो वे संतुष्ट हो जायेंगे ।

(Time bell rings.)

आपने तो इतनी जल्दी घंटी बजा दी ।

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : १५ मिनट हो गये हैं ।

श्रीमती मायादेवी छेत्री : श्री भूपेश गुप्त इस बिल पर दो घंटे बोले और मैं भी उसी क्षेत्र से आती हूं इसलिए मुझे कुछ और समय मिलना चाहिये ताकि मैं अपने भाई के पार्टी की गतिविधियों के बारे में आपको बतला सकूं ।

श्री भूपेश गुप्त : थोड़ा और बोलिये । You speak more.

SHRIMATI MAYA DEVI CHETTRY: I want to speak for a few minutes more so that I can express myself clearly and cover a few points.

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : दो मिनट में खत्म करिये ।

श्रीमती मायादेवी छेत्री : दो मिनट में खत्म नहीं हो सकता है । हमें थोडा टाइम और देना होगा । तो मैं यह कहना चाहती हूं कि अगर आप बौर्डर एरिया के लोगों को संतुष्ट करना चाहते हैं तो उस के लिए एक ही उपाय है और वह यह है कि सरकारी नौकरी में इन लोगों के लिए ३० प्रतिशत जगह रिजर्व कर दी जाय । अगर इस तरह की व्यवस्था कर दी गई तो उन के मन में यह भावना नहीं रहेगी कि नीचे के लोग हमारे ऊपर काम करने के लिए और आज्ञा देने के लिए आते हैं और इस तरह से हमारे हक को छीनते हैं । मैंने भूपेश गुप्त जी को अच्छी तरह से उत्तर नहीं दिया । उन्होंने यहां पर जो कुछ कहा उस के बारे में बहुत कुछ कहना है लेकिन मेरे पास इस समय समय नहीं है । अब मैं जो कुछ अखबार में निकला है, कभी कभी वहां के बारे में जो खबरें अखबारों में निकलती हैं और जिन्हें हमें पढ़ने का अवसर मिलता है उस के बारे में कुछ कहना चाहूंगी ।

SHRI BHUPESH GUPTA: Which paper?

श्रीमती मायादेवी छेत्री : यह बात कम्यूनिस्ट प्रभाव के बारे में "नवभारत टाइम्स" में छपी है ।

श्री भूपेश गुप्त : ठीक मिला । एक दम डालमिया को मिला ।

श्रीमती मायादेवी छेत्री : इस पत्र में यह लिखा हुआ है : "नवभारत टाइम्स" की इन्हीं पंक्तियों में यह भी स्पष्ट किया जा चुका है कि दो कारणों से यह प्रदेश देर सवेर भारत सरकार के लिए चिंता का कारण बन सकता है । एक तो यह कि इस प्रदेश में कांग्रेस के मुकाबले में साम्यवादियों का प्रभाव बढ़ती पर है और दूसरा यह कि प्रतिवर्ष नैपालियों तथा नेपाली भाषियों की संख्या भी बढ़ती रहती है । लगभग पन्द्रह बीस हजार नेपाली इस प्रदेश तथा आसपास के क्षेत्रों में प्रतिवर्ष आबाद होते रहते हैं । इस प्रदेश में कांग्रेस का प्रभाव क्षीण पड़ने का कारण यह है कि उसके नेता यहां के निवासियों की शिकायत दूर करवाने और उनकी मांगों को पूरा करवाने में सफल नहीं हो सके । उनकी मुख्य मांग यह रही है कि इस पिछड़े हुए क्षेत्र में जीवन निर्वाह के साधन बढ़ाये जाने चाहियें, प्रस्तावित उत्तर बंगाल विश्वविद्यालय की स्थापना यहां की जानी चाहिये और यातायात तथा संचार के साधन उन्नत किये जाने चाहियें ।

यहां पर मैं यह कह देना चाहती हूं कि दार्जिलिंग में यूनीवर्सिटी बनाने की मांग को बंगाल की सरकार ने मान लिया था लेकिन जमीन न मिलने की वजह से उसको टाल दिया । जब दार्जिलिंग में जमीन न मिली

[श्रीमती मायादेवी छेत्री]

तो हम ने बंगाल की सरकार को यह सुझाव दिया कि करसियांग में जो विक्टोरिया कैम्ब्रीज स्कूल है उसकी जमीन में यह यूनिव-सिटी बनाई जाये। वहां के बारे में भी सरकार एक तरह से राजी हो गई थी लेकिन फिर उसने इस यूनीवर्सिटी को सिलीगुड़ी में बनाने का प्रस्ताव रखा। लेकिन वहां भी यह नहीं बन पाई और अब यह सुनने में आ रहा है कि यह यूनिवर्सिटी जलपाईगुड़ी में बनाई जायेगी। अगर कम्यूनिस्ट भाईयों को वहां की जनता के प्रति प्रेम होता तो उन्होंने दार्जिलिंग में यूनिवर्सिटी बनाने के लिए आन्दोलन क्यों नहीं किया ? वे तरह तरह के आन्दोलन करते हैं, क्यों वहां की जनता की इच्छा को पूरा करने के लिए इस तरह की आवाज नहीं उठाई ?

SHRI BHUPESH GUPTA: We will do that.

श्रीमती मायादेवी छेत्री : तो मैं आप से यह . . .

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : अभी बहुत बोलने वाले हैं। अब आप खतम कीजिये।

श्रीमती मायादेवी छेत्री: अभी थोड़ा सा रह गया है।

SHRI BHUPESH GUPTA. I shall write a letter to Darjeeling today.

श्रीमती मायादेवी छेत्री : दूसरी बात यह है कि इन दोनों मांगों को साम्यवादियों ने अपने आन्दोलन के मुख्य मुद्दे बनाये हैं। आप लोगों ने और दूसरी विरोधी पार्टियों ने इस तरह की मांगों को अपना हथियार बना कर वहां पर प्रोपेगन्डा किया। हमें इस बात पर आपत्ति है कि आप लोगों ने इस तरह की डिमांड की कि दार्जिलिंग का एक अलग क्षेत्र होन चाहिये। लेकिन आप के प्रोफेसर हीरेन मुकर्जी दार्जिलिंग में जा कर एक पब्लिक एड्रेस करते हैं और रीजनल डिस्ट्रिक्ट एकोनोमी की बात करते हैं।

SHRI BHUPESH GUPTA: Within Bengal?

SHRIMATI MAYADEV1 CHETTRY: I do not know whether it is within Bengal, within'India or outside India.

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : ये सब एडमिनिस्ट्रेटिव मामले हैं और आप इनके बारे में लिख कर मालूम कर सकती हैं। इस बिल से इन बातों को कोई रेलेवेंसी नहीं है।

SHRI BHUPESH C-UriA: She thinks this is relevant. Universities have to be built. Colleges have to be established.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : In a different context, this may be all right but in the context of this Bill this is not relevant.

मैं इस बिल के सम्बन्ध में दो शब्द बोल कर बैठ जाऊंगी। इस बिल के क्लाज ३(३) में यह है :

"No person who was not immediately before the said day a resident 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. . . ."

इसमें मैं यह कहना चाहती हूं कि आर्मी के लोग हिल एरिया से आर्मी में ज्वाइन करते हैं, छुट्टी में घर जाते हैं और रिटायर हो कर आते हैं, स्टूडेंट्स बाहर पढ़ने के लिए जाते हैं और छुट्टी में आते हैं। नेपाल के लोगों को दार्जिलिंग और भारत में आने की स्वतंत्रता है, सिक्किम और भूटान के लोगों को भी भारत में आने जाने की स्वतंत्रता है, तो एक्जे-म्पशन लिस्ट में इन सब बातों को ले आना चाहिये और यह सब झमेला दूर करने के लिए एयर पोर्ट में और रेलवे स्टेशन में कुछ प्रबन्ध होने की जरूरत है।

दूसरी बात क्लाज ३(२) में यह है :

"Whoever makes, publishes or circulates in any notified area any' statement, rumour or report which is, or is likely to be, prejudicial. . ."

यह "रियुमर" की बात ऐसी है कि किसी तरह से रियुमर उड़ सकती है और यदि किसी आदमी से कोई रियुमर उड़ गई तो उस आदमी का बेकार में हरेसमेंट होगा। पहाड़ी इलाके में लोगों को उतना ज्ञान नहीं होता है। कोई किसी पर जुल्म करने के लिये बोल सकता है कि उसने यह रियुमर उड़ाई है। इसलिये यह रियुमर शब्द यहां पर नहीं होना चाहिये। इस रियुमर शब्द के जरिये से जो पोलिटिक्स में नहीं हैं, सीधे सादे लोग हैं, उनका भी बेकार में हरेसमेंट हो सकता है तो इस शब्द को भी यहां से बाद करने की जरूरत है।

SHRI SURESH J. DESAI (Gujarat): Mr. Vice-Chairman, Sir, I welcome and fully support the Criminal Law (Amendment) Bill, which is before the House. Before I offer my remarks on the Bill, I would mention one point, which has already been taken up by Dr. Kunzru, namely, that this is a somewhat belated measure. For over two years now the Government have been aware of the nefarious activities carried on by these people acting as agents of a foreign power in our vital border areas. Time and again, in this House and in the **other** House also references have been made to these matters. There was a demand not only from Parliament but also from the country that the Government should arm themselves with wider powers to deal with these activities, as a result of which this Bill has been brought forward. It was introduced in the Lok Sabha on the 23rd December, 1960. For four months it was lying in the Lok Sabha and it was passed by the Lok Sabha only on the 24th April. I wish that the Government had dealt more promptly with an important matter like this.

The Bill certainly seeks to create new, special offences and wider powers are being given to the Government. In normal times we would not have approved of such wide powers being given to the Government. But the situation on our northern borders is fraught with grave danger. A major power has occupied thousands of square miles of our territory. Tha agents of that power, moreover, are engaged in undermining the morale of our people, in undermining the will of the people to resist aggression. Under these circumstances the Government are fully justified iri assuming wide powers. Every State has a right to defend its integrity. No State can allow itself to be weakened by foreign agents.

Much has been said yesterday and today also by my hon, friend, Shri Bhupesh Gupta, about civil liberties, democratic rights, individual freedom and such other things. Now, democracy has also a right to defend itself from being abused by people who have got an ulterior motive to kill that very democracy. In every democratic society the people have got rights, but then they have got counter-obligations also. No democracy can allow itself to go down before untruth, falsehood and treachery. Democracy should not be allowed to degenerate into a licence to help a foreign aggressor. After all the Bill has a limited purpose only. It also provides for the judicial process and anybody who is an aggrieved party can go to a court of law, can go to a magistrate and even to the High Court. The full judicial procedure is provided in the Bill. So, there is nothing objectionable in the Bill itself.

The hon. Minister, Mr. D^tar, has described the provisions of the Bill. Dr. Kunzru also went through the provisions very carefully and I do not want to take ^e time of the House further by describing the provisions of the Bill. The hon. Minister, Mr. Datar, yesterday also described the types of rumours and propaganda

[Shri Suresh J. desai

which are being carried on in these vital border areas by these enemy agents. I may mention a few more instances. It is said in these areas, especially on the borders of Uttar Pradesh, that the Badrinath temple and the whole of that area, also belong to the Chinese, belong to the Tibetans, and the Chinese will claim that area also. In the Darjeeling tea gardens it is said that all the grievances of the workers will be remedied because the Chinese are coming very soon. To these illiterate, ignorant people, backward people, who are staying in these border areas, they say, these enemy agents say, that conditions in China, conditions in Tibet, are far better. People in China and people in Tibet, are far happier than the people in India, than the people in these border areas. Now, Sir, everybody knows what the conditions are in China, how millions of people are regimented into slavery in China and people are denied even a decent family life. I need not take the time of the House by further dilating upon this point. But everybody knows that millions of men and women are treated like animals there and husband and wife can meet hardly once a week for one hour in a barrack. In Tibet the conditions are worse. Millions of people are herded .. .

SHRI BHUPESH GUPTA: Just on a point of order . . .

SHRI SURESH J. DESAI: No, Sir. I did not interrupt him when he spoke. I am not yielding.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : He does not yield.

SHRI SURESH J. DESAI: I did not interrupt him.

SHRI BHUPESH GUPTA: On a point of order, the other day when I was mentioning America in connection with a debate, the Deputy Chairman was pleased to say 'You can discuss anything about this Government, but vou cannot discuss another country or Government'. That was the ruling given. I was stopped. I did not accept it. If you want to waive that ruling, I have no objection, and let him speak. But if you approve of that ruling, then I want to say that he cannot speak about this thing. Only there should not be any double standard.

SHRI ROHIT M. DAVE: My hon. friend himself had the next day underscored the words 'on the Finance Bill' and he made it quite clear that he was happy about the particular ruling. So, it was only confined to the debate on the Finance Bill. Here it is not a question of the Finance Bill. This is not a Finance Bill.

(Interruptions.)

SHRI BHUPESH GUPTA: Then, I would like to know whether I would be allowed to talk about America.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : What is it tha', you object to?

SHRI BHUPESH GUPTA: Sir, as you know, there was a debate here.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I know the background.

SHRI BHUPESH GUPTA: You know it very well that I was discussing the Government's foreign policy and matters relating to it . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): On the Finance Bill.

SHRI BHUPESH GUPTA: Yes. Then, the Deputy Chairman said 'You can say what our Government should or should not do on the Finance Bill'. But he would not allow me to say anything about the United States of America or the Government of the U.S.A. He said that I could not discuss such things. Now, it is certainly not a Finance Bill that we are discussing, nor a matter which relates to the internal administration. According to the ruling, I can criticise the

Government of India, but this thing also relates to the internal administration of another country. But I know one may say . . .

THK VICE-CHAIRMAN (SHRI M. P. BHARGAVA): About India you can discuss.

SHRI BHUPESH GUPTA: I would not take my hon. friend's time. But he was just mentioning how the Chinese Government behaved, how the Chinese people behaved, ' how many times the Chinese husbands and wives meet, and so on. He seems to have an intimate knowledge of Chinese life. Then it would be discussing the internal affairs of another country.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Let us not discuss the internal affairs of any other country.

SHRI P. N. SAPRU (Uttar Pradesh): Sir, I hope you have not given it as a ruling. Then it constitutes a limitation on the authority of this House.

SHRI BHUPESH GUPTA: The only thing I say is I agree. Therefore, give him that time, but, Sir, by your giving that time the implication is that you overrule that ruling. I welcome it.

SHRI DAHYABHAI V. PATEL: It is no ruling.

SHRI P. N. SAPRU: If it is a ruling, then I think the ruling requires, if I may say so, further reconsideration. So far as this House is concerned, we may place limitations upon ourselves, but we have got a perfect right to discuss almost everything in the world.

SHRI BHUPESH GUPTA: After hearing Mr. Sapru, I say, Sir, please allow my friend *to* say whatever he likes about China, but our sovereign rights should not be curtailed. The only thing I say is you would be in an anomalous position because somebody might say that the Vice-Chairman came to take the Chair who forgot the Deputy Chairman. How I would like you to forget the Deputy Chairman. Therefore, let us forget that.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : There is no question of forgetting that. There is no point of order. Let Mr. Desai continue.

SHRI SURESH J. DESAI: On the point which Mr. Bhupesh Gupta raised I have got to say one thing, and it is this. When rumours are spread, when propaganda is made that conditions in China and conditions in Tibet are better than conditions in our northern area, then I have got to point out that those conditions are **a** hundred times worse than those in India. Still Mr. Bhupesh **Gupta** wants to defend these subversive agents. These people carry on this propaganda, and how wrong it is— that is exactly what I wanted to point out. How can he raise a point of order on that?

Sir, I was going to point out **that** lakhs of people in Tibet are herded like cattle. Their property has been plundered and looted, and now millions of people from China are immigrating into Tibet, and soon the Tibetans will be a slaving minority in their own country. That is the condition in Tibet today, and that is the unhappy lot of the people of Tibet today. Still these enemy agents taking advantage of the ignorance and backwardness of the people of the border areas,- these agents whom Mr. Bhupesh Gupta tries to defend. . .

SHRI BHUPESH GUPTA: On a personal explanation, Sir. I have no agent. I do not have any insurance business in the private sector, none whatsoever. I have comrades, party members and feiiow fighters like Mr. Suresh Desai, and a good Vice-Chairman lik$_e$ you, Sir, a colleague in the House.

SHRI SURESH J. DESAI: These people who a/e acting as enemy

[Shri Suresh J. Desai.] agents, taking advantage of the backwardness of the people, the illiteracy of the people and the ignorance of the people, are trying to undermine their morale, are trying to corrode their will to resist aggression, their determination to oppose aggression. That is what is sought to be remedied in this Bill by making it a punishable offence. Then there is the court of law open if anybody is aggrieved. I will not dwell upon this point further.

Sir, the Bill has been primarily framed with a view to protecting the morale of the people. That is one aspect of the question. That is really desirable, that is very essential also. But there is the other aspect of the question also, there is the other side of the question also. These border areas are more or less neglected areas. They are actually backward areas also and much remains to be done to bring up the people so that they can at least get an economic living. This is more or less a mountainous terrain and communications are difficult there. Agricultural operations are carried on for hardly three to four months wherever they are carried on, because the people are nomadic people. There are no cottage industries and there are no home industries. In this difficult situation whatever trade we have got with Tibet, that is also coming to a standstill. These people's condition is[1] really hard, and something must be clone immediately, in an expeditious manner, to bring these people up.

The Government have now created new administrative units. New districts have been created in the Punjab and in the U.P., and in Jammu and Kashmir also. The Central Government is giving financial assistance also to these border States to bring these people up, to improve the condition of these people. Even a Development Commissioner has been appointed. But something more rer«ains to be done in an expeditious manner. If we cannot find capable officers, if the talented officers are not willing to go there—because these are naturally hilly regions and difficult terrain and people do not like to stay there—if we cannot find good officers to work there, we can pay the officers more, and Parliament will certainly not grudge the creation of even a special cadre under the Indian Administrative Service and paying them more, so that talented officers can stay there and work there for years together. This is going to be more or less a permanent question. It is not a temporary question that within a year or two it will be solved. This is more or less a permanent question and we will have to face this question for something like 25 or even 50 years. So, let there be created a cadre of officers who will stay there, try to develop these areas and take an interest in the life of the people there. Because of the difficult conditions we can pay these officers something more even, and Parliament certainly will not grudge that.

Then, Sir, the other side of the question is that we have got something like 2,500 miles of northern border. We have got Pakistan in the east and also in the west, which is not particularly a friendly country. In the east we have got trouble from the Naga hostiles. This trouble has been going on for quite a long time. At times we have felt that the steps that have been taken so far to check the activities of the Naga hostiles have not been very effective. But on the northern frontier we have got a major power, that is Communist China. It has made treacherous aggression against this country and has occupied thousands of square miles of our territory. Now this is a difficult situation and can be met only in three ways. Firstly, it can be met by our Defence Services. Secondly, it can be met by creating an industrial base in the country. Thirdly, it can be met by bolstering up the public morale. As far as the Defence Services are concerned, we are assured by the hon. Defence Minister that they are in an excellent form. Cei-tainly, not only we in this

House but the whole country is proud of our Defence Services. Our Jawans, our Officers and our Generals have distinguished themselves not only in the battlefields around this country but even in distant lands and have won glory for this country. We are certainly proud of them. Then as far as industrialisation is concerned, that is also advancing. We are fast industrialising also. But on the third point, as far as creating public morale is concerned, I regret to say that the Government's attitude has been more or less apathetic. They h'a've'tiot tried to create a sense of national consciousness, a sense of national solidarity so that the people can be prepared to meet the danger which we are facing on our northern border. The people ought to be made alive to the danger which our country is facing on the northern border. This has not been done even though there has been enough opportunity, and the earlier we do it the better so that the country can be prepared to meet any aggression if it comes. But if the aggression does not come or if the aggression is vacated, we do not lose anything. Suppose the aggression is intensified and at that time the country is found wanting in morale, if the public morale is not properly prepared, then the situation will be fraught with grave danger. So, I regret to say that the Government have not taken any steps to bloster up the public morale and to make the people alive to the danger which the country is facing on the northern border.

2 P.M.

Then, Sir, coming again to the provisions of this Act, I find that there are certain acts which are not covered by this legislation. For instance, if a person goes to the border area in a clandestine manner and meets an enemy agent, a foreigner, what happens? Of course, nothing will be published or no statement will be made so that action can be taken under this Act. It will be merely a meeting but certainly if a person goes in a clandestine manner and meets an enemy agent in the border area, it will be prejudicial to the interest! of the country. Such acts are **not** covered by the present Bill. And I do not know whether the Penal Code and the other statutes already cover such acts. I hope the hon. Minister will be good enough to assure the House that these acts are already covered by the other statutes. In case they are not already covered by the other statutes, this House will certainly not grudge giving further powers to the Government. But our borders must be protected and all these subversive activities, all these fifth-column activities in which these enemy agents are engaged, must be stopped completely.

Then, Sir, Shri Bhupesh Gupta yesterday gave a big apologia on behalf of his party which, of course, has not convinced anybody. He mentioned several points. Dr. Kunzru has replied to some of those points. So I need not take the time of the House further in answering his point of view or speak about the attitude of his party on the question of the territorial integrity of the country. But I would mention one thing only. He read out some statements of the Prime Minister and said that if Acharya Kripalani had been the Prime Minister and if Pandit Nehru had made these remarks, Pandit Nehru would have been arrested. Now, Sir, this is not in good form. Of course, so many other things which Mr. Bhupesh Gupta says are also not in good form. But this was in particularly bad form. After all, we in th's House, we in this section of the House as also the whole country, have got the highest esteem for the Prime Minister of our country and nobody in this country will ever doubt the bona *fides* of the Prime Minister. This Bill is meant to deal with people whose *bona fides* are questionable and who are engaged in subversive activities against the country. Everybody knows that. What is the use of equating what the Prime Minister has said with these subversive activities which we are trying to avert and punish under this law? So I do not

[Shrj Suresh J. Desai.] know why Mr. Bhupesh Gupta wants to defend those people who are indulging in these subversive, fifth-column activities and who are acting as enemy agents. He gave a long apologia yesterday. I think, Sir, there is nothing in this Act except restricting the activities of these enemy agents, the fifth-columnists, or suppressing those people who are engaged in subversive activities. Nobody who is honest or reasonable or nobody who has the least patriotic instinct in him, nobody who wants to defend this country against foreign aggression, will find anything objectionable in this Bill.

With these words, Sir, I conclude and I strongly commend this measure to the House.

SHRI P. N. SAPRU: Mr. Vice-Chairman, Sir, constitutionally I am incapable of supporting a repressive legislation but I am clear in my mind that this is not a repressive legislation. If you read the clauses of this Bill carefully, you will find that it places no extraordinary powers in the hands of the executive. It nowhere substitutes the judicial process by executive action. Therefore, all that this Bill does is to fill up a lacuna in our penal and criminal laws. We have section 124A which deals with disaffection. Now this is really in the nature of a sub-section, sub-section 124B. It creates a new offence. It creates the offence of questioning the territorial integrity of India in a manner prejudicial to the security or safety or the interests of the country. The clause is carefully worded. It says:

> ". . .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, ..."

Now, Sir, a bona fide expression of the view that the India-China border question should be settled in a peaceful manner will not bring anyone within the mischief of this Bill. The statement must be made in a particular manner and that particular manner must be prejudicial to the safety, security or interests of India. Mr. Bhupesh Gupta in the two-hour long address which he delivered to this House on many aspects of this Bill and his party's position regarding the India-China border dispute nowhere pointed out how this Bill was going to affect any bona fide critic of the Government's foreign policy or the India-China policy. I think a bona *fide* comment of that nature is not covered by this Bill.

Let us just glance through the various clauses of this Bill. First is clause 2. That refers to questioning the territorial integrity or frontiers of India in a manner prejudicial to the interests or the safety or security of India. So far as these frontiers are concerned, they are sacred. I think it is imperative for us to be zealous about guarding the frontiers of our country. Every part of our soil is sacred. And Ihere is no denying the fact that it is China which has committed aggression on our territory. There was a breach of faith on the part of China and the Communist Party has never clearly and squarely faced that position. They are so emotionally integrated with the Chinese bloc that they will not look at this question objectively. It is after centuries that we have achieved independence. Every part of our soil should be sacred to us.

Then, Sir, clause 3 lays down that a statement made in a notified area which is prejudicial to the maintenance of public order or to the safety or security of India can be proceeded against and it regulates the entry of persons into such areas. This clause enables the Government to notify a certain territory or part of a territory in a border State as a notified area. Of course, whether a particular part of a territory should be regarded as a notified area or not, only the executive can decide. Therefore, nothing has been conceded to the executive which could not legitimately be con-

ceded U/ it. It can prohibit the entr 1 of a person into a notified area an I if that person contravenes the ordei j then he can be proceeded against ir.] a court of law. And the sentence' prescribed is not too high.

Then we come to clause 4 and this clause empowers the Government to declare certain publications of an objectionable character forfeited and to issue search warrants for the same. Now, if a certain newspaper or document is forfeited, then it is not as if' the whole of that newspaper or anyone interested in that newspaper has' no remedy. He can go to a court of law. He can go to the High Court in his State direct, and the High Court shall constitute a Special Bench— because the provisions of sections 99C to 99F of the Code of Criminal Procedure will apply—and the Special Bench of three Judges of the High Court shall consider whether the order of forfeiture is justified or not. Now no greater safeguards could have been provided than has been done by this clause. I do not see how anyone is likely to suffer who is interested in any newspaper, book or other document in respect of which an order for forfeiture has been made.

Sir, our hill-folk are very simple people And what is the type of propaganda that is being carried on by our friends of the Communist Party among them? I am not a Communist-baiter, but I think, Sir, the Communist Party in this country has not been realising its responsibility to the land of its birth. The Communist Party takes the line that this question of India and China is a difficult issue and that it should be settled in a peaceful manner. Very well. But then it goes further and says that these frontiers were never settled between India and China and that China is not claiming something wh'ch is not really hers, that China has got a very reasonable case, and in any case—this is important—China is a socialist country and it is impossible for a socialist country to commit aggression. India is a country which may be aspiring to become a socialist country. India is a country which may have a liberal State because it has got democracy, but India is not a socialist country- Therefore so far as India is concerned, it can commit aggression, it can be an imperialist power, it probably has imperialist ambitions, but so far as our darling China is concerned, well, she cannot be aggressive, and she has, in fact, never been aggressive. Therefore, If she has not been aggressive, we have been aggressive. And that is the type of propaganda to which these simple folk in our hill tracts are being subjected to.

SHRI N. SRI RAMA REDDY (Mysore): These Indian Communists are more loyal to Communism than to their own motherland.

SHRI P. N. SAPRU: Well, that is unfortunately true; they are more loyal to the Communism as conceived by Mr. Mao Tse-tung and Mr. Chou En-lai than to their motherland, or even to the Communist ideology as interpreted by some other persons than Mr. Mao Tse-tung or Mr. Chou En-lai. There is no Indian interpretation of the Communist doctrine.

Now, Sir, it fa that situation that Government has to meet, and can we honestly, as reasonable and sensible men, as patriotic men, as men who wish to see our country emotionally integrated, blame the Government for coming forward with a Bill which will enable the territorial integrity of this country not to be questioned in a manner which is prejudicial to the safety, to the security or to the peace of this country? That I think, Sir, is the question which the House has to answer.

The Bill nowhere provides for preventive detention. It is not a Bill which enables Mr. Lal Bahadur j Shastri or Mr. Datar or the Chief

[Shri P.N. Sapru.] Commissioner of Manipur to put any person under preventive detention. It is a Bill which provides at every stage for the judicial process, and therefore it cannot, in any sense of the term, be looked upon as a piece of repressive legislation.

Sir, Mr. Bhupesh Gupta imagines that legitimate trade union activity will be interfered with in these border areas. He objects to the words, "the maintenance of essential supplies". Well, I do not know that legitimate trade union activity is ruled out by this Bill, and I see no reason for assuming that legitimate trade union activity—assuming that such trade union activity can exist in these border areas—will be ruled out, or will be proceeded against by Government.

Sir, so far as the proprietors or owners of newspapers or of publications are concerned, they have no reason to apprehend any danger from the Bill because, supposing an order of forfeiture is passed against them, they have the remedy on going to the High Court, and there a Special Bench of three Judges will sit. It will be a Bench of three Judges which will have to decide whether the order is just or not. It will be open to those proprietors or owners to show that the book or the newspaper or the document in question has no tendency to foment public disorder.

Sir, this Bill, considered in its proper setting, is intended to fill a lacuna in our existing law. As a matter of fact, as I said before, this clause should have been added as part of the ordinary penal law of the country, that is to say, these provisions should have been added as sections 124B or 124C of the Indian Penal Code. However, Government have thought it fit to bring forward a special enactment for this purpose, and I think, for the reasons that I have given, that this Bill deserves the fullest possible support of this House.

Just one thing more, Sir. Dr. Kunzru, in his eloquent speech, referred to the various statements of the Communist Party on this India-China question, and from those statements it is clear that there are groups in that party which are more loyal to the King than the King himself, that is to say, they are more loyal to China than perhaps the Chinese people themselves because there are, I believe, some people in China who must be disliking the tyrannical aspects of the Chinese regime in many respects.

Thank you very much.

SHRI M. S. GURUPADA SWAMY (Mysore): Sir, already much ground has been covered by my hon. friends. At the present moment I confine my remarks to a very few points. Before I do so, I admire the supreme effort put up by my hon. friend, Mr. Bhupesh Gupta, for fighting a cause which he ultimately lost while pleading.

SHRI AKBAR ALI KHAN: He is very good at it; he is very good at all bad causes.

SHRI M. S. GURUPADA SWAMY: Sir, long speeches sometimes militate against the cause which the man, who performs that feat, wants to advocate. Sir, the Communist Party in India, naturally, has to oppose this Bill, and it is not a surprise that my friend, Mr. Bhupesh Gupta, opposed this, and while opposing this he did quite a bit of hat trick but he failed ultimately.

Sir, this Bill, as was pointed out by hon. friends, is against those people who are reluctant nationalists or pseudo-nationalists or those to whom the interests of the country are not supreme, and to such people this Bill is addressed, and if my friend, Mr. Bhupesh Gupta, makes a long harangue on this, it gives an impression that it is he and the Communist Party for whom this Bill has been brought forward and he naturally thinks perhaps that his party and its

activities recently have provoked this drastic Bill. Sir, if the Bill is drastic, if the provisions of this measure are very severe, who is responsible for it? It is not any political party of India or anybody in this House but those who have succeeded in creating a situation in the country during the last few months.

Sir, what does the Bill say? The Bill is very clear. It states categorically that those who indulge in inimical activities prejudicial to the safety and security of India have to be dealt with severely. Even this Bill does not go far enough. It is not so severe as it is made out to be. Sir, Mr. Bhupesh Gupta in his long speech tried to defend his party and party-men, but let him think of the problems that faced the country, especially the problem of the border dispute and what policy his party adopted from time to time. In the beginning there was no policy, there was no statement at all. But later on they took some sort of decision, and what did that decision say? It says that there should be negotiation between the parties. There should be mutual give and take. That is the resolution.

Sir, it is understandable that in ordinary things there should be mutual give and take, but in a matter concerning the frontier of India, the very security of India, the integrity of India, they want us to have give and take. Who is to give and who is to take? That is a matter that worries all of us. The Communist Party has made it very clear that the frontier is not very important for them. It is not an important factor at all. It is just a debating point for them. They accepted, I think, in Calcutta that the MacMahon Line was the border for India. Having accepted that thing, they advocated that this Line should be debated upon with a country which has done nothing but make incursions. Then, again, in the case of Ladakh the same thing happens. They always say "Negotiate". Negotiate for what, on what things?

Sir, we know that there is a lot of contradiction in the Communist Party of India and all is not well there and there is some stinking rat in the Communist Party leadership, and it is to cover this dirty smell that policy statements are made, which are not real.

Sir, it would be interesting to recollect some of the incidents of the past to show whether the Communist Parly profess what they say. Perhaps you are aware that some time back in Berhampore—Mr. Bhupesh Gupta will bear with me for a minute—the national flag was torn and taken away by the Communist Party and dishonoured and in its place the flag of the Communist Party was hoisted. If their faith in nationalism is deep and honest, I think, such exhibitions . . .

SHRI BHUPESH GUPTA: Sir, I better go out. This is not true. Let him say this thing. I go out.

SHRI M. S. GURUPADA SWAMY: I will give a reference to Mr. Bhupesh Gupta. I do not find it just now but I will give it to him later.

DR. A. SUBBA RAO (Keraia): Is it a C.I.D. report?

SHRI M. S. GURUPADA SWAMY: It is not a C.I.D. report. That is the report of a responsible Presi and it was not contradicted by the Communist Party.

Then, again, in the case of Tibet what did the Communist Party of India do? Mr. Bhupesh Gupta waxed eloquent yesterday that the Members criticised the foreign policy of the Prime Minister and that was wrong.

He branded them as reactionaries when they differed from the Prime Minister. When this Tibet affair came up, when Tibetan autonomy was destroyed by Communist China, what did the C.P.I, do at that time? They said that the policy of the Government of India was reactionary, antidemocratic and they even called the

[Shri M. S. Gurupada Swamy.] Prime Minister's action as a "conspiracy against China". Again, perhaps the House is aware of the silence that has been maintained by the Communist Party friends about the publishing of maps in China and Russia including many parts of our territory in the Chinese territory and nothing has been said by them. Perhaps they defend these actions as they are wedded to or controlled by foreign powers.

Sir, some time back the Communist Party made a change in its tactics with regard to various points of democracy. In Meerut they passed a resolution accepting the parliamentary system of Government, but this is in line with their tactics. After all, their professions of democracy and constitutionalism, so far as we are concerned, have not made any impact on us. Perhaps it is just a mask or a veil to cover up their various unconstitutional deeds. In Moscow the Communist Parties of the World adopted a policy and according to the Moscow statement, which the Communist Party of India has accepted, they have to adopt parliamentary methods wherever they are necessary and the acceptance of the parliamentary system or institution does not mean anything for them but a sort of tactics to be worked out for the capture of power. It is very important that these parliamentary institutions which they want to capture should be backed up by revolutionary movements. Therefore I want to ask the friends of the Communist Party whether they have completely given up the cult of violence and whether they have completely given up their allegiance to their Masters in Peking and Moscow.

[MR. DEPUTY-CHAIRMAN in the Chairl

The Bill seeks to plug a lacuna in the Act and, as my colleague just now pointed out, it has come rather too late but though they have come with this measure too late, it is quite welcome. Perhaps the friends who till today were playing fast and loose with the interests of the nation will be alerted, perhaps they will be cautioned or they will be prevented from indu-ging in activities inimical to the country's interests. Shri Gupta said that this is a cowardly Bill, irresponsible piece of legislation and he used all these superlative adjectives and he was very much pained that this Bill, if it was passed, would intimidate large sections of people who believed in democracy. I do not know what he meant. I read through the Bill and I never found that the Bill wamod to restrict the legitimate activities of any citizen of India. On the contrary, the Bill only gives protection to the interests of the nation, the country and the people, against the activities of those who are being anti-nationalistic, anti-patriotic and who are indulging in activities which may endanger the interests of India in course of time. If Mr. Gupta and friends do not indulge in such activities, why should he feel upset about it as it is only to deal with such pseudo-nationalists who go about under the garb or cover of patriotism? To such people this Bill has been addressed and if they are found out as enemies, then they are to be properly dealt with. No enemy of the nation should be tolerated in the country. India is always wedded to democracy and tolerance but it does not mean tliat it should tolerate all elements who go against the interests of the country, who indulge in activities against the country. The Communist friends should show their professions and should clearly convince the people and the country about the sincerity of their professions. So there is nothing to lament about or be critical about the provisions of the Bill. On the contrary, it should be welcome to all. If Mr. Gupta and his friends stand by the integrity and sovereignty of India, then they should welcome it, but the way Mr. Gupta attacked the Bill created the misgiving in the mind of people that he was not meaning what he said. That was the fate of the Communist Party of India It has always suffered from

internal contradictions and dilemmas which have not been overcome by them even after years of consolidation and growth.

The Bill seeks to bring about or give protection to certain areas notified under this Bill and by this provision it wants to do away with the activities of some agents, foreign agents perhaps, or subversive agents within the country in those notified areas. The whole country does not become a notified area. Only those which are adjacent to the frontier become notified areas and it is not curbing of any legitimate activities. Anybody can go there with permission and any legitimate activity is allowed but unfortunately even this is not acceptable to our friends. I do not want to go into the details about the deeds or misdeeds of the Communist Party further and I say that they have been completely isolated from the country, from the rest of the country today. Perhaps they dwell in their own tower but they are completely isolated from realities.

DR. A. SUBBA RAO: That is hew we won in the Calcutta elections.

SHRI M. S. GURUPADA SWAMY: In the Calcutta elections what happened was this. For the Communist Party, one of the tactics is always to divert the attention of the people and the country to lesser issues. Suppose a debate on Indian border is raging, they want to divert the attention of the people and the country from that to the Pakistan border dispute. If you go through the proceedings, you will find that for a long time they were not supporters of Pakistan and its policies. They were always considering Pakistan as a stooge in the hands of America. They were condemning it but when the dispute arose on our border with China—according to them it was a dispute and according to us it was an act of aggression on the part of China—then they wanted to change the context. They wanted to change the mood of the country to something else. They said: *Let there be negotiations with Pakistan and they became more vociferous friends of Pakistan and the innocent people are duped always. After all, the elections do not always tell the whole truth and my friends of the Communist Party do not believe in democratic elections. I do not know why they taik so much about them as they do not believe in elections. Even if they participate in the elections, they do so to realise their party ends and to destroy democracy. Tliat is obvious and I need not go into these generalities. So I believe that this Bill is a right step and a correct step and this is a good piece of legislation and there will be no killing of democracy and no abridging of rights in any manner. On the contrary, it will certainly abridge the erring activities of pseudo-nationalists or unpatriotic elements in the country. Perhaps the tribe of such pseudo-nationalists might vanish in course of time. Let us hope that they will vanish and perhaps the reluctant nationalists will wither away. That is our wish. Anyway, this Bill has to achieve its objective or purpose. It is meaningless to pass a measure without ful-filling the objective. Government are always very earnest, enthusiastic and serious in passing a measure. But afterwards, their earnestness and fervour will vanish when the matter of implementation of the measure comes in. Let us, however, hope that this measure will be implemented and thereby all anti-nationalists and anti-patriotic people in India will be properly dealt with.

The Communist Party of India should be grateful to the Government that it has not banned that party. I am not saying that it should have been banned, for they know that they can carry out their activities better and more effectively working underground. So banning is not desirable. I do not mean it that way. But still they must feel happy that they are not banned. They can now conduct their activities and they can contest elections in . . .

DE. A. SUBBA RAO: How can they be happy now, if, as you say, they can conduct their work better underground?

SHRI M. S. GURUPADA SWAMY: I hope the whole House will welcome this very good piece of legislation and I also hope that this piece of legislation will in the long run prove useful for safeguarding the security and integrity of India and our frontiers.

PANDIT S. S. N. TANKHA (UttarPradesh): Mr. Deputy Chairman, I rise to welcome and lend my support to the Bill before the House. We are all aware of the circumstances which necessitated the bringing forward of this Bill by the Government. You know, Sir how some time ago China committed aggression on our soil. At that time it was expected that all people of this country who owned allegiance to this country and who sidered India as their motherland, would come forward with one voice and say that China had done a very great wrong and that it should at the earliest opportunity vacate this aggression. But Sir, while almost ail political parties and all sections of the people were of this one view that China had done a great wrong to India, one particular party in this country and its members took upon themselves to go about and say that China had not done any wrong to this country- On the contrary, they were of the view that the portions of the country which had been taken over by China had been taken over because those parts of the country had been uninhabited for long and that not being under the control of the Government of India, they were in all likelihood portions of Chinese territory and as such China was fully justified in taking over those border areas. That being the position, as you know, Sir. the Government tried Hs very hesf from the very beginning to bring about a settlement of this issue with its neighbour. India, as you know, is wedded to peaceful means. It did not like the idea of sending its armies to get those portions of the country occupied by China vacated but instead, our Prime Minister thought it best to talk over these matters with China and to convince China that her claims, if any claims there were, were ill-founded and that portions of the country occupied by China belong to India. We are all well aware of what happened since then. Premier Chou En-lai was here and he had meetings with our Prime Minister and it was arranged that talks would be held at the Secretariat level and that all documents which go to support the claims of each of the two parties would be looked into by the committee and efforts would be made to solve the issue. But in spite of the fact that all testimony went to show that China had absolutely no *bona fide* claim on our soil and that our territory and our borders were well defined and well delineated since a very long time, the Chinese side did not concede that it had taken over any portions of the territory that did not belong to it.

With such a claim made by our neighbour, our friends of the Communist Party took it upon themselves to visit our border areas and went about telling all these illiterate and uninformed people there that the claims which India was putting forward were not quite correct and that China was not doing any unfriendly or unneighbourly act towards our country. As you are aware, Sir, the people of these border areas are very uneducated, illiterate and very simple folk. All sorts of things were told to these people. They were even told that their neighbours on the other side of the border were living in a much better condition than what the Indian Government was providing for the people within its borders. The purpose of those who gave out these suggestions to these people could only be to win over the sympathies of these peo-

pie for the Chinese so that China might step inside our border areas more easily than otherwise. What greater act of treachery could there be for this particular party to do to the country, and to allow such people to have their say and to go about doing this kind of false propaganda among these people would have been the greatest folly on the part of the Government. If then realising all this, the Government of India has come forward with the present Bill, what is there to object to? The provisions of the Bill, as have already been explained by so many speakers, are very clear. Clause 2 merely says that any person who questions the territorial Integrity or the frontiers of India will come within the purview of this Bill. This questioning must be such as is or is likely to be prejudicial to the interests of the safety or security of the country. It is thus clear that persons who do not indulge in such activities which would be prejudicial to the safety or integrity of the country would not be covered by this Bill. Why should my hon. friends of the Communist Party object to the passing of such a Bill unless they feel that their activities have been or are of such a character which can well be covered by this clause? And, if their activities are in fact such as would legitimately fall within the purview of this clause, then may I ask, what wrong is the Government of India doing by passing this Bill? Would any country in this wide world, including China and Russia, I would ask, tolerate such an activity, activity whereby the territorial integrity and the frontiers of its territory can be questioned in a manner prejudicial to the safety and security of the land? No country would tolerate activity of that kind. My hon. friend, Mr. Bhupesh Gupta, says that *bona fide* activities of people would be adversely affected by this Bill. He mentioned trade union activities. How can trade union activities fall within the purview of this clause or the clauses which follow later on? Clause 3 says that whoever circulates or makes rumours or reports which are likely to be prejudcial to the maintenance of public order or essential supplies or services in any area and which will be prejudicial to the interests of safety or security of the country shall be punishable. I do not see where the Government has been doing a great wrong to the people by curbing such activities. It is not that people are prohibited from entering the notified area. All people who have legitimate work there or *bona fide* business can go there. They can obtain permits and then enter. Nobody will be afraid to ask for a permit if his activities are bona *fide* and not prejudicial to the interests of the country. It is only people who have some idea of doing mischief who will not be prepared to ask for the permits. Otherwise, I see no reason why anybody should object to obtaining a permit for entering the notified area.

There are just one or two matters in clauses 3 and 4 which strike me and about which I would like to know the correct position. In clause 3(4), it has been mentioned that any police officer not below the rank of sub-inspector of police, may search any person entering or attempting to enter, or being in, or leaving, a notified area and any vehicle, vessel, animal or article brought in by such person, and may, for the purpose of the search, detain such person, etc. The only thing which strikes me about this is whether it is desirable or justifiable to vest these extraordinary powers in an officer of the police even though he may be of the rank of a sub-inspector of police. The ordinary provisions of the criminal law are that no search could be undertaken by a police officer unless there is a warrant for it from a magistrate but since this clause make? no mention of it, I do not know whether the ordinary provisions of the criminal law would be applicable after the passing of this special measure. In the same manner, you also find that in sub-clause (5) provision has been made for the removal of a person who is found within the notified area without any permit. That clause also does not specify the procedure for obtaining an order of a magistrate. Power has been given to

[Pandit S. S. N. Tankha.] the police officer to remove such a person but there is no mention as to whether or not, before undertaking the removal, he will have to obtain orders from any magistrate of the first class. If the ordinary provisions of the Criminal Procedure Code will not apply, then my submission would be that it would be only proper that these safeguards are provided for in this Bill because it is not very proper to invest a police officer with all these powers. The powers are wide enough and are liable to be misused at times, and to prevent that, it is only right that provision should be made that orders of a magistrate of the first class shall have to be obtained by the police prior to acting under these provisions of the Bill.

Further, Sir, I also do not find any provision whereby a person affected by all or any of the sub-clauses of clause 3 wPl have the right +o file an appeal against the action of the officers of the police or, if the orders of the Magistrate are obtained, even then, whether all these orders w'll be appealable and, if so, to which court. You wiH notice that in clause 4 it has been specifically mentioned that any person affected by clause 4 will have the right to file an appeal to the High Court but no such provision seems to have been made for persons affected or dissatisfied with the orders passed under clause 3, sub-clauses (3), f4) and (5). You will further notice that in sub-clause (3) of clause 5, it has bee$_n$ provided that no order passed OT action taken under clause 4 shall be called in question in any court otherwise than in accordance with the provisions of clause 5. This obviously means that the right of appeal applies onty to actions taken under clause 4 and that the persons affected by clause 3, sub-clauses (3), (4) and (5) shall have no similar rights but why those rights have not been given is not quite clear or understandable.

In the other House, Sir, the Home Minister clearly said that the present Bill is not a political move against any political party and, therefore, with that assurance from him, which I have no doubt he will also give in this House, no section of the Indian public engaged in lawful activities in the frontier areas should be afraid of the provisions of the present Bill, and it is only our friends of the Communist Party who can be afraid of it if they continue their subversive activities, in which they have so far indulged, in the border areas.

Sir, the Home Minister rightly said in the other House that there could be no half-way house as far as the country's territorial integrity was concerned and that the Government could not tolerate any activities meant to weaken or demoralise the people of the border- I entirely agree with the remarks of the Home Minister and am of the considered opinion that the present Bill is fully justified and as such it should receive the unanimous support of this House.

SHRI DAHYABHAI V. PATEL: Sir, I will not detain the House very long at this late stage. In brief my observations on this Bill will be that it is too late. But it is also said, better late than never. Unfortunately, Sir, the Prime Minister finds it difficult to make up his mind on many matters. He vacillates and in that situation It is the country that has to suffer. The fact *tt* Chinese aggression on our ter ■ ritory had been withheld from the country for years and those who call themselves friends of China were making hay while the son of Jawaharlal^ goodwill was shining on them, making inroads at every possib'e place. Today we have come to a pass wren the country is faced with a very peculiar situation. In the ten years of Nehru regime we have Pakistan On one side, a doubtful friend—rather on two sides—and China on the other about which I need not elaborate. That is what the House has been talking about mainly. We have Burma who has been very friendly with us making love to Chou En-lai and right at the far south end we have these little

Portuguese pockets about which we have not been able to do any thing. These facts have been repeatedly brought to the notice of the Govern. ment particularly in Northern India by all political parties coming together on several occasions in Delhi and outside and urging upon the Prime Minister to make up his mind and take firm action against those who were propagating against the territorial integrity and unity of the country. This measure, therefore, I say, has come late. We have political parties in this country as we should have. That is a thing that, is conducive to the growth of democracy. We have our differences inside with the Prime Minister. In spite of that when the fact of Chinese aggression was made known, everywhere the Prime Minister was assured of the full and loyal support of the whole country when he made up his mind to stand up against this aggression- Sir, in Ahmedabad only three or four years ago, the people refused to go to the Prime Minister's meeting and went to another meeting addressed by one of the Opposition leaders who sits in the other House. After the Prime Minister made the declaration from Delhi that not an inch of Indian soil was going to be surrendered, when he went to Ahmedabad a little over a year ago after the decision for the breaking up of the bilingual State was finally made known, he received a tremendous welcome and an assurance from all people from all walks of life that the country was behind him. Sir, that is the situation in the country but unfortunately the Prime Minister does not know where he belongs, whether he is leader there or here. That is the trouble with this country, whether my friend, Mr. Bhupesh Gupta, is the leader of his party or the Prime Minister is the leader of that party. He has got a split personality, a dual personality. He sits there but he agrees with them. That is unfortunately the -fate of this country. Sir, this Bill was passed by the Lok Sabha on the 24th April. I recall the haste with which legislation was rushed through in this House in one month. We had ong of.

the shortest sessions of about three weeks duration in November-December last year and in spite of repeated protests a large amount of commercial and financial legislation was rushed through without even agreeing to their being referred to Select Committees. In spite of repeated protests the Government did not listen to us- But what were they doing about this? Why did they sleep over it? We had of course the Appropriation Bill, the Forward Markets Bill, the Indian Post Offices Bill and ' the Industrial Finance Corporation Bill that was moved on the last day and on which my friend, Mr. Suresh Desai, and myself urged upon the Finance Minister to have it referred to a Select Committee. Heavens were not going to fall if the Bill was not passed on that date. That happened to be the last day. While admitting that the Bill was good we requested him to agree to refer it to a Select Committee so that it could be thoroughly examined. But no; the Government would not yield. And here after passing the Bill in the Lok Sabha the Government went to sleep. I want to know what the intentions of the Government are. Why did they po to sleep over this? Did they consider the Forward Markets Bill more important than this Criminal Law Amendment Bill? If they did think that this was important, why did they sleep over it all this time? This was passed on the 24th December in the other House.

HON. MEMBERS: No, no. This was passed on 24th April-

SHRI DAHYABHAI V. PATEL: I beg your pardon, Sir.

SHRI BHUPESH GUPTA: It was a very short sleep.

SHRI DAHYABHAI V. PATEL: They did not sleep over it but why did they not bring it much earlier? If they could bring forward so much commercial and financial legislation in rapid succession in the last fortnight of that •ession in December, why did

[Shri Dahyabhai V. Patel.] they not think about this? Because the Government was not able to make up its mind. Sir, the Prime Minister says, 'We are not going to yield even one inch of our territory.' This is how he emphasises it wherever he goes. Sir, in this country we have upset everything. We have now introduced a new system of weights and measures; we have the metric system. I would like to ask in all humility what type of inch is this where 12,000 sq. miles of our territory have been surrendered, tried to be kept as a secret from the country for years and years and when it comes out, what are we doing? Talking. And-what is the type of talk we get? What is the treatment that our represntatives who went to China got? The Prime Minister admitted it in the House that it was the most unfriendly treatment. That is the situation in which we are today and therefore I say that this Bill has been too late. Sir, I do not consider the provisions of this Bill drastic. Authority has always got the tendency to be exercised and it is greedy for power but in this Bill there is a provision for appeal to the High Court. It is a very welcome provision. My friend, Mr. Bhupesh Gupta, need not have detained the House by" his talk for two hours in trying to convince the House or the country of the *bona*

'9S0JB UOISBDDO JI -XjJBd f;q JO *SBptf* he had always the doors of the High Court open. He is an able arguer. He can go and argue it in the High Court, just as he did it here. While supporting this Bill I feel that the Governmen; should take . . .

SHRI BHUPESH GUPTA: I shall be missing the prosecution counsel 'hat you are.

SHRI DAHYABHAI V. PATEL: I am afraid I did not qualify myself to be a lawyer like my friend, Mr. Bhupesh Gupta, or many others, because in 1920 when Mahatma Gandhi gave the call of non-co-operation. I gave up any idea of studying abroad or going abroad, as was planned for me. And since then the question of becoming a lawyer lias been shut out of my mind. I do not regret it.

SHRI BHUPESH GUPTA: That only strengthens what I have said, that there is no chance of getting you there.

SHRI DAHYABHAI V. PATEL: Why are you so sorry? There are so many others.

SHRI BHUPESH GUPTA: I would like to have you there.

SHRI DAHYABHAI V. PATEL: There are two aspects to this tightening up of regulations on the border. There are two types of activities. Fortunately or unfortunately only one type of activity has been emphasised in the debate on this Bill, namely the political activity, the activity against the integrity of India. There is also another type of activity, which is conducted in these areas and about which the Government do not seem to be very vigilant or stringent. That is the smuggling activity. The amount of smuggling that is going on in these border areas . . .

SHRI BHUPESH GUPTA: How do you know that they are not smuggling democracy out?

SHRI DAHYABHAI V. PATEL: I wish we could smuggle democracy across the border initio China. My friend, we would be very happy and the people of China would be very happy if they can see what democracy really means.

My friend pleaded about the one lakh of pilgrims who go from this country to Badrinath, Kedarnath and other places- He say$_s$ that these people will find it difficult to get permits.

MR. DEPUTY CHAIRMAN: Eadri-nath an^l Kedarnath are already m India and so they need not get any permits.

SHRI DAHYABHAI V. PATEL: I am only quoting him. He said that

these pilgrims would have difficulties. I do not think that in any lawful Government, citizens carrying o$_n$ lawful activities would find it difficult. If for the purpose of a certain emergency the area is notified, law-abiding citizens will not find it difficult to get permits. That is what I am trying to say.

DR. A. SUBBA RAO: It is within the discretion of the particular magistrate or police officer.

SHRI DAHYABHAI V. PATEL: Why do you presume so? I want to ask my friend whether the police officers have no sense, whether they are devoid of all good sense and that they want to use the powers that have been given ta them only to harass the people. These powers have been given primarily with the object of safeguarding the territorial integrity of this country and taking action against those who offend against it. It is for no other purpose and I do not see any justification for the remarks made by my friend who sits next to me. Therefore, I support this Bill. I only hope that the Government will not be vacil-lat'ng in putting the Bill into operation, as they have delayed in bringing forward such a measure.

SHRI M. P. BHARGAVA (Uttar Pradesh): Mr. Deputy Chairman, I rise to support the Bill. At the fag end of a debate it is always difficult to put forward new arguments, when all angles of the Bill have been touched. In the Lok Sabha, as the House may have seen, 16 speakers took part and 15 of them supported the Bill wholeheartedly. It was only the Communist friend. Shri Indrajit Gupta who opposed the Bill in the other House. In this House nine Members have so far taken part. Again, eight of them have given their whole-hearted support to this Bill. Only my hon. friend, Shri Bhupesh Gupta, chose to do otherwise.

SHRI AKBAR ALI KHAN: He has supported it finally.

SHRI M. P. BHARGAVA: I congratulate Mr. Bhupesh Gupta for his par *excellence* speech of over two hours in length, verbosity and irrelevance. Now, let us examine what he said in his speech of over two hours. He has vera! points, but tc ths operative portion he comes towards the end of his speech, where he 3ays:

> "I say, keep the measure for three months or so. 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, what does this statement mean? This means that he also agrees with the necessity for the Bill.

SHRI BHUPESH GUPTA: No.

SHRI M. P. BHARGAVA: .Vor the present time.

SHRI BHUPESH GUPTA: No.

SHRI M. P. BHARGAVA: His intention is very clear. Then he gives an amendment to clause 1. Clause 1 reads:—

> "(1) This Act may be called the Criminal Law Amendment Act, 1961."

He does not grudge that- He says keep it for three months.

SHRI BHUPESH GUPTA: I gave an amendment . . .

SHRI M. P. BHARGAVA: Please hear me. Then it reads:

> "(2) It extends to the whole of India excerpt the State of Jammu and Kashmir."

He has no grudge. Then, he wants to be added:—

> "That at page 1, after line 6, the following be inserted, namely:—
>
> '(3) It shall expire o$_n$ the 31st day of October, 1961.'"

[Shri M. P. Bhargava.] Now, any sane person can draw only one conclusion from this statement, from what Mr. Bhupesh Gupta has said, that there is a necessity for this Ball at the present time, but he wants it to be there for three monuhs. And then what he envisages is this. This Bill, if it is in force at the time of the elections, may be prejudicial to his interests. So, he comes out and says 'Give a trial to this Bill for three months. Then, let it lapse. When the next Parliament, the third Lok Sabha comes, then you keep it again, if it is neeessary.' That is the line of argument of Mr. Bhupesh Gupta. Now, even in drafting his amendments he was vacillating in his mind like has party, which passed several resolutions Quoting one resolution after another, Pandit Hriday Nath Kunzru has already given parts of the resolutions. If any sane conclusion is to 'be drawn from them, it is that they want to safeguard the interests of China more than the interests of India. So, that is the state of affairs. And then he gives a series of amendments. He comes to his last amendment, where he says:—

> "That at page 3, after line 23, the following new clause be inserted, namely: —
>
> '6. The Central Government shall place before both Houses of Parliament for consideration a quarterly report on the working of this Act including such information as th$_e$ Chairman of the Council of States and the Speaker of the House of the People, at their own instance or at the request of the Members, may ask for from time to time.'"

Sk>, whe^h he began to draft his amendments first, he thought: 'First, let us give it a trial up to 31st October. We will see.' As he went on, towards the end he found that this position was not tenable and it may have to be for a longer period. So, for safeguarding the in/terests in another manner he thought 'Let us provide for a quarterly report.' Now, his first intention **was** that the Bill should be in force only up to 31st October. There could ibe only one report, only one report. The House will meet only in August and September, and then where is the need of quarterly reports? So, he has in his mind that this Bill will continue and let us safeguard the position as far as this is concerned. This is about his intentions. ,Let us now see what he has to say in the speech. If you read Mr. Indra-jit Gupta's speech in the other House and Mr. Bhupesh Gupta's speech in this House, you will only come to one conclusion that the same substance has bean put by Mr. Bhupesh Gupta in his own words in this House. What Mr. Indrajit Gupta said there Mr. Bhupesh Gupta has said here— the same set of names, the same examples, the same everything. There is nothing fresh which Mr. Bhupesh Gupta has said here which was not said in the other House by Mr. Indrajit Gupta. Now ray friend says first of all that the Bill is wholly unwarranted by faots and unjustified by moral considerations today. I say that the Bill is wholly justified in the present circumstances, and Mr, Bhupesh Gupta has also unwillingly subscribed to the view that the Bill is necessary. Then my friends, Diwan Chaiman Lall and Dr. Kunzru, have established a case beyond any doubt by giving the circumstances of today, by quoting how the prejudicial activities of my friends are carried on there on the border, how claims are being made by all those, and so on. They have established a case beyond any doubt that thi* Bill is wanted now. Then MT. Sapru and others have established that it is not an oppressive Bill in any way. Mr. Sapru, an ex-High Court Judge as he is, knows what the law is and what its effects would be. So, he haa shown clause by clause how there ia nothing objectionable in the Bill. In fact many of the Members have expressed their feelings that the Bill has come a little too late. It should have come earlier. That only supports one contention that the Government were in no hurry to arm themselves with more power so long as they could meet the situation prevail-

mg in the country with their existing power. When they found that the activities were going beyond a reasonable limit and that the present law did not cover some of the activities, they had no other alternative but to come with the present Bill before the House. So it is a Bill which is perfectly justified.

Sir, the late Home Minister, Pandit Pant, in a Foreword to a book prepared by our Party wrote:

> "India is wedded to the policy of peace and good neighbourliness. But the aggressive attitude of the Chinese Government and its unwarranted claims have been taken by the Indian people for what they are . . ."—

Mark the words—

> " ... a challenge to the territorial integrity of the country. The Indian people and the Government are firm in their determination to defend the integrity of India with their united strength."

And the present Bill fills the lacuna, if any, in fulfilling that aim. That is what the late Home Minister had to say. Then ait another place Prime Minister Nehru had to make a very significant remarks:

> "I can recognise one thing. There are some things which no nation can tolerate. Any attack on its honour, on its integrity, on the integrity of its territory . ."—

That is exactly the point under consideration, the integrity of its territory—

> "... no nation tolerates, and it takes risks, grave risks even to protect all that, because you cannot banter these things, your self-respect and honour."

What were the conditions under which the late Home Minister, Pandit Pant, had to introduce this Bill? They are evident from the Statement of Objects and Reasons:

> "Certain recent developments in the regions adjoining the borders of India and in other parts of the country likely to jeopardise the security of the country and its frontiers point to the necessity of placing curbs on such activities. The Criminal Law Amendment Bill, 1960, accordingly seeks to provide for punishment to persons who may question the territorial integrity or frontiers of India in a manner prejudicial to the safety and security of the country and for other cognate matters."

Now the aim$_s$ and objects are very clear, and I do not know why Shri Bhupesh Gupta is so worried about this Bill. Is it a case of guilty conscience, being suspicious? Are they afraid that if they indulge in all these activities, which they are doing, this Bill when it comes into force will place some curbs on them? That seems to be the only fear of Mr. Bhupesh Gupta in opposing this Bill.

Mr. Bhupesh Gupta goes on to make certain other remarks to which I will presently come. He says that the real motive of the Bill is to indulge in political persecution of certain sections of the democratic public opinion in the country. Well, I can assure him that as far as can be seen from the Bill, there seems to be no political motive. Again, Dr. Kunzru has made it very clear and others too have made it very clear that if they do not indulge in any activities which are covered by the Bill, they need not have any fears. Now much has been said about the resolutions passed by the Communist Party of India. Our friend, Shri Bhupesh Gupta, also made a reference that the Delhi resolution was passed in February, and there was therefore no need of another resolution at Vijayawada. If you read the Delhi Resolution, it mentions the earlier Meerut resolution, and Mr. Bhupesh Gupta himself read out that there were references in it to the Meerut resolution. At Vijayawada a much bigger conference was held, and all the Communist

[Shri M. P. Bhargava.] delegates were present there; not only Indian Communist delegates were there but representatives of other countries were also present. If at Delhi they could mention the Meerut resolution, what stopped them from passing a resolution at Vijayawada making a reference to their earlier resolution? Again it is a question of two minds. They want to please this country, and they want to please the other country with which they have their own alignments. So, they could not decide, and they thought that the best course was not to say anything about that state of affairs but let people draw their own conclusions. That is the position as far as the resolutions of the Communist Party are concerned.

Then my friend, Mr. Bhupesh Gupta, quoted *The New Age* and challenged us to produce anything from it which would be taken as prejudicial. May I ask Mr. Bhupesh Gupta whether there is any article in *The New Age* which says that China has committed aggression against India? If he can produce any such article, I will accept his challenge. Then I ask him another thing. There was the correspondence between the Indian Prime Minister and the Chinese Prime Minister. All the letters from the Chinese Prime Minister were published in *The New Age.* Not a letter from the Indian Prime Minister found a place in *The New Age.* May I know, Sir, . . .

SHRI BHUPESH GUPTA: Only . . .

SHRI M. P. BHARGAVA: Do not interrupt me, let me continue. I am throwing a challenge to you.

SHRI BHUPESH GUPTA: What is the challenge? You are . . .

SHRI M. P. BHARGAVA: You produce any . . .

SHRI BHUPESH GUPTA: Can I answer?

SHRI M. P. BHARGAVA: You produce any article of *The New Age . , .*

SHRI BHUPESH GUPTA: Do not get excited.

SHRI M. P. BHARGAVA: You produce any article of *The New Age* where the letter of the Indian Prime Minister to the Chinese Prime Minister has been produced in full.

SHRI BHUPESH GUPTA: Can I answer?

SHRI M. P. BHARGAVA: Yes. 1 am prepared.

SHRI BHUPESH GUPTA: Very good. Obviously, the hon. Member does not carefully read things. The Communist Party of India has brought out a pamphlet which also contains the letters of the Prime Minister of India.

SHRI M. P. BHARGAVA: You may have one hundred thousand things. You were talking of *The New Age* yesterday and I am replying about *The New Age* today. You produce a copy of *The New Age* where ycu have printed Panditji's letter.

SHRI P. D. HIMATSINGKA (West Bengal): He is in the old age.

SHRI M. P. BHARGAVA: I am not giving you anything which you can hide. It is an open thing. Come out with any article or any paper wherein it has been mentioned. So this is about this.

Then Mr. Bhupesh Gupta referred to a speech by Mr. Manabendra Shah in the other House. Now we on this side of the House are not fortunate enough to get as much time as we want like Mr. Bhupesh Gupta who kept the House with his speech for over two hours. We get limited time and in that limited time we cannot touoh all the points which We want to touch.

SHRI DAHYABHAI V. PATEL: He says that you are welcome to come here.

SHRI M. P. BHARGAVA: And that is exactly what happens when . . .

SHRI BHUPESH GUPTA: You are arguing the wrong point.

SHRI M. P. BHARGAVA: No, no. I am arguing the right point, 'it hits you all right. That is why you are saying lik$_e$ this.

He only dealt with two provisions in the Bill about which h« had to say something but he did not say a word about the need for the Bill and about the circumstances prevailing in the border areas.- There was no necessity for it because others had said it, and everybody cannot go on repeating the same set of arguments. So that is the position. Do not misunderstand, do not misquote Mr. Manabendra Shah. He has not said a word about the conditions prevailing in the border areas.

Then I have to say two or three things more and they are about the Bill itself. The first is about extending the Bill to the State of Jammu and Kashmir. It is an important Act which is very neeessary that it is extended to the State of Jammu and Kashmir also. I know that under the Constitutional provision the State has to be consulted and only when the State agrees can the provisions be extended to it. What I would implore of the hon. Home Minister is that persuasive as he is, he should take up the matter with the Kashmir Prime Minister and try to get his consent for extending the Act to the State of Jammu and Kashmir also.

SHRI J. S. BISHT (Uttar Pradesh): They have already a law there which is much more drastic.

SHRI M. P. BHARGAVA: The last point which I want to touch is about the word 'rumour'. When I got the Bill, I consulted the legal dictionary. I am not a lawyer myself but I consulted a legal dictionary. I consulted my legal friends here and they were all of the view that the word 'rumour' was not a legal word. And moreover the word 'rumour' does not seem to be necessary here either, because 'report' and 'statement' both combined together can cover all the stages of a rumour. So I think this is a word which is redundant and if the hon. Home Minister feels that it is so, he may consider deleting it.

Thank you, Sir.

THE MINISTER OF HOME AFFAIRS (SHRI LAL BAHADUR): Mr. Deputy Chairman, Sir, it is quite obvious that this measure has received the general support of this House and I am thankful to all the Members, especially to Dr. Kunzru, Diwan Chaman Lall and friends of the Praja Socialist Party who have eloquently spoken *on* this.

SHRI BHUPESH GUPTA: Mr. Dahyabhai Patel of the Swatantra Party.

SHRI LAL BAHADUR: I shall deal with him a little later. But, Sir, opposition has come from only one Member of this House and it is Shri Bhupesh Gupta. And I mention Shri Bhupesh Gupta only because there is a difference of opinion in the Communist Party itself on this matter. I shall say a few words on that, on the difference that exists at the present moment in the Communist Party on this subject. But at present I have only to say that Shri Bhupesh Gupta, devoted, out of the two hours of his speech, about IOO minutes to what was happening in Kalimpong, for twenty minutes he discussed other matters and on the India-China border trouble itself I do not know if he said even a word ar spoke even for a single minute. Well, Sir, his speech can easily be divided into two parts— as I said, his oration on Kalimpong and then he said something to show that there was no Communist Party activity going on in the border areas. He quoted Dr. Sampurnanand and said something about Dr. B. C. Roy. Then he referred to the press conference held by the District Magistrate at Uttar Kashi in U.P.

SHRI BHUPESH GUPTA: At Cha-mouli also.

SHRI LAL BAHADUR: I do not know what Dr. Sampurnanand said about a year and hall back. The Prime Minister, if I am right, made his first statement in August, 1959. Well, a month or two later tlie Com munist Party's activities had no t started in full force. It gradually gained momentum and it is now very active in that area. Dr. Sampurna nand might have said something a/t that time. I know his views, the views that he holds at the present moment. He strongly feels that the activities being pursued by the Commumist Party in that area are dangerous. "Well, he is not in office now. There fore it is just possible that Shri Bhupesh Gupta might not like to attach much importance to that. But he might have seen what the present Home Minister of U.P. said some time ago—I think about a month or twenty days ago—in the »U.P. Legislative Assembly. The Home Minister of U.P. has said that all kinds of pro paganda are being carried on in the border areas, and he felt that ade quate action was not being taken or he felt that it was necessary to take proper action against those activities. The District Magistrate of Uttar Kashi —well, I have not got full informa tion but—the report that I have got with me goes to show that some Com munist journalist friends went to him and started holding some kind of press conference. Well, what kind of press conference it was, I do rot know; whether it was literally a press con ference, I do not know, but they started bombarding him with ques tions. But we have to remember that: all these talks were going on in Hindi, and not in English, and as I said, I have got . . .

SHRI BHUPESH GUPTA: Is it police report?

SHRI LAL BAHADUR: Not police report, an official report; there are other agencies of Government, and even if it is police report, I think it speaks the truth and complete truth. When they started putting him questions, **well,** h* replied to them, and said many things. Again and agam he was asked, "What is the nature of ithe activity that is happening? Give us specific proof." Well, as you know, the members of the Communist Party generally do not carry on their activities in a visible manner. Many of their activities are secretive, and in that area especially, they are mostly secretive. They hold secret meetings and very' few public meetings. Now if you want specific proof, I can well imagine that it is not always easy to produce specific proof, but in so far as this Bill goes, well, specific proof will have to be produced in the court; otherwise no person can be prosecuted. Now the District Magistrate said many things and as I said, it wa* in Hindi that the so-called press conference was going on. Someone asked something at the meeting and the District Magistrate replied,

Something like that he said. And immediately the 'Naya Zamana', a communist paper—if I may use that word—twisted what the Magistrate had said to suit their own ends. But the District Magistrate, naturally did not mean to say that there were no communist activities, or there were no Communists in that area. Shri Bhupesh Gupta, of course he often speaks in this House, very well indeed, and puts forward his case most emphatically, will excuse me if I say that his two-hour speech on this occasion almost fell flat on this House. It was a very poor show although he-tried to argue his case as ably as he could.

(Interruption).

That is all right. I do not want to prolong my speech and I shall try to finish soon.

As I was saying, Sir, it is really not always possible to know all that is happening in the Communist Party, or what the members of the Communist Party are doing, but I have seen some of their speeches that have been made in public meetings-speeches by Communist workers—and without going into details I would

merely indicate what their lines of propaganda are.

SHRI BHUPESH GUPTA: What is the source of information?

SHRI LAL BAHADUR: For public meetings there need not be any special source of information.

SHRI BHUPESH GUPTA: Newspaper?

SHRI LAL BAHADUR: The newspaper, the District Magistrate, the non-officials, Congressmen and others. They are present; they often happen to be present in those meetings. Therefore I do not want to refer to anything which takes place at their secret meetings, or what was said at a particular secret meeting. Fortunately, or unfortunately perhaps, the Prime Minister referred to what was said in one of your secret meetings. So you are in a position to refute it very strongly.

SHRI BHUPESH GUPTA: Just as you have your committee meetings.

SHRI LAL BAHADUR: But here I am merely indicating the line of their propaganda, and not saying anything new. It is almost the same thing as what Dr. Kunzru said or what Diwan Chaman Lall also said. The propaganda is more or less on these lines. (1) China has not committed any aggression as the border is undemar-cated, (2) China will never invade India as no socialist country can commit aggression, (3) China wants to settle the dispute amicably, but the Government of India do not desire this as the Congress Party wishes to divert the attention of the people with an eye on the General Elections of 1902, and (4) The areas in Tibet under the Chinese have made far greater progress than the frontier areas *ot* India.

Sir, it is for the House to judge how far this kind of propaganda is fair and just. I do not deny the fact that the peoole living in those areas are economically poor and backward: our whole country is backward, I mean, industrially backward, and we are economically at a low level. But is it fair and just, especially in the present context and at the present time, to carry on a propaganda saying that cur people, the people living in those areas are in a bad condition, and that China is fast developing and that it is one of the most industrially developed countries? Is it fair and just to tell the Bhotiyas that if there will be war between India and China, the Bhotiyas and the people living in those-areas will lose their trade and will have to starve? This kind of propaganda, I must say, is bound to create demoralisation in the minds of our people, especially in those people who are living in enormous difficulty in those areas.

Secondly, Sir,—I do not want to criticise anybody—may I ask if the Communist Party workers have ever said as to what is the true position in China at the present moment? There again we have no direct information, but what we have read in ths papers goes to show that the food situation there is acute. If what is stated in the papers is true, well, almost the whole people there are living more or less on a starvation level— there is acute shortage of food in large parts of that country. It is not at all a happy feature and no one can ever be pleased with it. In fact we feel equally sorry as they. But the point is: Is it desirable on our part or on the part of any party or any citizen of this country to gloat over this fact and to say anything or to carry on a propaganda about that kind of starvation going on in China? It is not correct and we do not want to do it, and we must not do it.

SHRI BHUPESH GUPTA; You were not here. It was done here and somebody said that Chinese met then-wives only once a week.

SHRI LAL BAHADUR: Now is it fair in those circumstances? After all, we have had to face abnormal difficulties, yet somehow this Government has tried to prevent a situation in

[Shri Lal Bahadur.] which people may not have enough food to eat. We may have had to import, we have spent crores and crores of rupees on that but we have not allowed the situation to deterioate any further. So, it is in this context that I want to say that any kind of propaganda or the kind of propaganda which is being carried on in this part of the country about our backwardness or about our poverty etc, unnecessarily creates uneasiness and dissatisfaction amongst our people, and I do not consider that to be a patriotic act.

Sir, Dr. Kunzru has already referred to the resolutions passed by the Communist Party's executive and other bodies. Diwan Chaman Lall has also referred to them. Well, Sir, as I said in the beginning, there is serious difference of opinion among the Communist Party. May T, Sir, say in brief what has been the attitude of the Communist Party since they issued their first statement in August 1959? I shall not read the full statement but just the relevant extract. The National Council of the Communist Party in August 1959 said:

> "Unfortunately, however, a great part of the northern border of our country has not been clearly demarcated. Moreover, the absence of any formal agreement between free India and the People's Republic of China in this matter is liable to give rise to confusion and misunderstanding. The recent incidents involving the border patrols of India and China have taken place in this background."

This was in August, 1959. Then, the Central Executive of the Com munist Party in September, 1959 s«id:

> "The Central Executive Com-i.xittee is aware that certain admittedly vital differences have arisen regarding demarcation of the borders between the two countries, especially due to the fact that the areas involved have never been properly surveyed or delineated and that the problem has not been taken up and negotiated between the two countries since India became independent and China established its People's Republic. But this itself ca$_n$ be resolved through friendly discussions and negotiations without either side making prior acceptance of its own claims, namely the MacMahon Line in one case and the Chinese maps on the other, the precondition of commencing negotiations."

You will thus see that in the beginning, in September 1959, the Communist Party was also not sure about the MacMahon Line and tbe clear demarcation that was made at **that** point. It was late$_r$ On that the Communist Party felt that in regard to MacMahon Line they should make their position clear and clearly accept the view of the Government of India.

Then, Sir, the Meerut Resolution cam$_e$ in November, 1959. It is a long resolution, but I shall like to read a small portion of that resolution. It says:—

> "With the occurrence of the first incident they . . ."—

That is, the people of India or I do not know whom they mean—

> "... the whipped up a war psychosis and raised the false cry of Chinese aggression and threat to India's territorial integrity. These developments are being deliberately magnified and exploited for diverting people's attention from the problems of their life and living for disrupting and suppressing the country's democratic movement."

The Meerut Resolution also goes to this extent and says "that the first incident", as if it was a small incident. A number of our soldiers were killed and it is said that:

> "With the occurence of the first incident they whipped up a war

psychosis and raised the false cry of Chinese aggression and threat to India's territorial integrity . . ."

and all that is being done—

". . .in order to magnify and exploit for diverting people's attention from the problems of the life".

And what has amazed me most is, of course, certain parts of this Meerut Resolution. This Meerut Resolution, at some place, is mildly critical regarding China making a wrong assessment of the Indian situation. Why did the Communist Party mention about making a wrong assessment? Because they felt that the assessment was made by the Chinese without making an effort to ascertain the views of the Communist Party of India. If they had consulted the Communist Party of India, it is just possible that they might have been able to make a correct assessment. They are critical of the fact that the Communist Party of India was not consulted and, as I said, they have therefore mentioned about the wrong assessment having been made. To this, Sir, a strong objection was taken by two State Communist Parties, one by the State Communist Party of Punjab and the second by the Communist Party of the State from which our hon. friend comes, (hat is, the West Bengal State Communist Party. They have lodged protests.

SHRI BHUPESH GUPTA: Sources of information?

SHRI LAL BAHADUR: Well, he should know that the Home Minister has many sources of information . . .

SHRI BHUPESH GUPTA: Yes, I know that.

MR. DEPUTY CHAIRMAN: You should know it better.

SHRI BHUPESH GUPTA: These are ■ the sources which did not give him : information about Assam riots.

MR. DEPUTY CHAIRMAN: You should know it better.

SHHI LAL BAHADUR: Well, Shri Bhupesh Gupta must know that now the proceedings of his secret meetings do not remain completely secret because many events appear in the press. I am not talking of the intelligence reports. Many things appear in the press as to what the Bengal Communist Party has to say, what the Punjab Communist Party has to say. The opinion of Mr. Dange, the opinion of Mr. Bhupesh Gupta, Mr. Ranadive, Mr. AJoy Ghosh, all these things appear in the press.

SHRI BHUPESH GUPTA: Do you believe them?

SHRI LAL BAHADUR: All these things appear everyday. Even if one-fourth of that is accepted, it goes to show that there is clear difference of opinion between the different wings of the Communist Party.

Sir, the West Bengal State Council of the Party strongly condemned the Central Executive Committee and on this Meerut Resolution pointed out that it should have waited to acquaint itself with the views of the Communist Party of China before hastening t_0 pass its resolution. Then, Sir. the Punjab State Party Executive Committee went a step further and it rejected the Central Election Committee's resolution. I am glad that the words which were till now being used for the Congress Party or the mem'bers of the Congress Party are being used for the members of the Communist Party also. As an example of "bourgeois nationalism amounting to complete surrender to the Indian bourgeois class" it added.*

"That the Central Executive Committee Resolution gave a complete alibi to the Indian Government and fixed the main responsibility for the present state of affairs on the Chinese Communist Party, thus putting it in the dock along with the Indian reactionaries."

[Shri Lal Bahadur.]

Sir, these are the views of the two State Communist Parties on the resolutions of the Central Executive Committee and the Meerut Resolution. I am very sorry that Shri Bhupesh Guptaji should also be in the 4 P.M. same boat. He is a very good man. He has said that I am a good man but I say that Shri Guptaji is an exceedingly good person. There, fore I feel so sorry that he should be in that company and if my information is correct; it is not very surprising, as I see him in the House, that he is never in the right. I am sorry, he is never in the right wing. He ic always on the left. So in this matter also he takes a very strong iine and I am told that he is almost the leader of the left wing in the Communist Party as now perhaps there is the rightist element also.

SHRI BHUPESH GUPTA: The hon. Minister is saying so much on the basis of the reports of the Intelligence Bureau. Must he not kindly share his confidence with me and give some of these things so that I understand what is said about me? I would ask you to save the Home Minister from the hands of the Intelligence Bureau. We can look after him well here. You were in the Commerce Ministry and it was very good. Why be in the hands of the Intelligence Bureau?

SHRI LAL BAHADUR: I do not base my information on the Intelligence Reports at all.

SHRI BHUPESH GUPTA: Absolutely you are doing it.

SHRI LAL BAHADUR: Everything of this has appeared in the press. You may see in the daily papers, either the Hindustan Times or Amri ta Bazar *Patrika* or any other paper, and you will see that all these things have come out. When I say that Shri Bhupesh Gupta is leading the left wing, the Intelligence RepoTt whatever it may have to say on that point and even if it says so, I do not want to make it the basis.

DR. H. N. KUNZRU: I do not think it is correct to say that he is leading the left wing; otherwise a well-known periodical of Delhi would not have called him 'the fence-sitting Bhuipesh Gupta'.

SHRI BHUPESH GUPTA: Therefore I say that all these things should be expunged till it is decided whether I am in the left wing or right wing.

SHRI LAL BAHADUR: I shall only say that the paper has not got the latest information as to what, is happening in the Communist Party. He is now not on the fence. He might have been before but at the present moment he is wholly left and unfortunately the leader here is on the left and the leader in the Lok Sabha is on the right. There is someone else in the centre; perhaps it is Mr. AJoy Ghosh., I am not putting it in a light vain but I want to put it to the House that this matter of the Indo-Chinese border is so vital for the country that the people as a whole—of course there is no voice in the country which does not—condemn that aggression. In the Communist Party itself I wish to say that there are people and leaders who hold strong views on the matter and think that, China has committed an aggression and they should go the whole hog with the Prime Minister and with the Government of India. Members mentioned so much about the "New Age". I might also say that the "New Age" has said—of course Shri Guptaji will not say that I am referring to a capitalist paper—recently that they must organise a campaign for solidarity with Cuba, that they must organise a campaign for Cuiba. I can quite understand it and can fully appreciate it. What I feel is and the most unfortunate part of it ls, that there is no such campaign for maintaining the solidarity and integrity of India. Instead of that, as I said at some other place, the paper which is published in the border areas, from U.P., had to apologise. In fact it published an apology because it had published an advertisement of the

U.P. Government which said that we should stand shoulder to shoulder to resist any kind of aggression on our frontiers. That advertisement was published in that Communist paper which is published from somewhere in the border area and when they published it, later on perhaps the editor realised that he had committed a grave error when he said that the people of this country should stand shoulder and shoulder and fight if ther$_e$ is any aggression on our frontiers. He felt that it was a major blunder that he had committed and must publish an apology which he did.

What is our position in regard to our stand? It is true that we do not want that the situation should deteriorate in any way and the stand of the Indian Government has been supported by the vast majority of public opinion in the country and our stand has been that the border between the two countries is clearly defined by tradition, custom, geography and by treaties and admits of no doubt. Still, our Government have not hesitated, in view of their peaceful approach for the solution of international questions, and they have never thought of barring the doors against the settlement of the issues by peaceful methods but the Communist Party, on the other hand, pointed out that the exact boundary was not clearly demarcated and was subject to bona *fide* doubt and therefore both the countries were almost on an equal footing. I take serious objection to that, when every time an effort is made to show that both India and China stand on an equal footing and then they go on to suggest that there should be political discussions between the two Governments. I have put it forward in order to show that there is an essential difference in the two approaches, between the approach of the Government of India and the people of India and that of the members of the Communist Party.

Aj regards Kalimpong, I can dispone of the matter in a few minute* It is not, as Shri Bhupesh Gupta thinki perhaps, that we are sleeping over the matter. He had two books in his hands, or he had only one.

SHBI BHUPESH GUPTA: Two.

SHRI LAL BAHADUR: I have also got two.

SHRI BHUPESH GUPTA: The same books. For once we read the same.

SHRI LAL BAHADUR: We have seen this book and its contents also and I may say that not recently but pofhaps in October 1959, in consultation with the Ministry of External Affairs and the Government of West Bengal, we issued orders that:

> "Foreigners (including Commonwealth citizens) should not be permitted to remain in Kalimpong Subdivision . . —

These orders were passed in 1959—

> " ... for a period exceeding 7 days unless they obtained permission in writing from the District Magistrate, Darjeeling or such other officer a9 might be authorised by him in this behalf."

Detailed instructions were issued that any foreigner who is not ordinarily resident in the Kalimpong Sub-division for a period of not less than * years on the 14th November, 1959 has to obtain permission in writing from the District Magistrate, Darjeeling, or such other officer, etc. We have tried to enforce this order and in fact permits have been refused in a number *ot* oases of foreigners both of British and French origin and also of Chinese. So we are quite vigilant about this and if any activity takes place in that area Which is undesirable, naturally action will have to be taken under this law against them also. I do not, therefore, know why Shri Bhupesh Gupta should be so much opposed to this Bill. For every country its frontiers are sacrosanct and it is really

[Shri Lal Bahadur.] impossible to build up a country if we' cannot maintain its integrity. And this Bill in clause 2 only provides punishment for questioning the territorial integrity or frontiers of India in a manner prejudicial to the safety and security of India. And clause 3 provides for certain areas adjoining the frontiers to be declared as notified areas. Sub-clause (2) of clause 3 makes it an offence to publish or circulate in any notified area any statement, rumour or report which is likely to be prejudicial to the maintenance of public order or essential supplies or services in that area or to the interests of the safety or security of India. As you know, Sir, these border areas constitute a very sensitive part of the country and in view of the Chinese claim it is essential that all appropriate steps to strengthen and develop them should be taken.

Clause 4 of the Bill merely enlarges the powers already available under section 99A of the Criminal Procedure Code and gives powers to the Government to declare certain publications wherever printed, which contain any matter, the publication of which has been made in offence, to be forfeited. So, if looked at objectively, the powei-'? taken in the Bill cannot be considered to be arbitrary and, as Dr. Kunzru said, it is all to be done by trial and there is appeal to the High Court. So the fears of Shri Bhupesh Gupta that they might be used to suppress legitimate activities of political parties are unfounded.

Sir, I have nothing more to say. Of course, I understand Shri Dahya-bhai Patel said something about the mistakes that we have committed or referred to something about the Prime Minister. Well, it is unfortunate that we wholly differ in our approaches. Al) I want to say is that we do not wanti to create a war psychosis. It is absolutely wrong to do it and it is neither good to us nor to the world as a whole. And it is really unfortunate that thg Swatantra Party should see red almost everywhere and in everything. If the Swatantra Party Mem ber feels that the Prime Minister is the leader of the Communist Party, then in a way, I would like to welcome that statement. If there is a man of that stature who can be the leader of the opposition group like the Communist Party, well, it should be a matter for satisfaction and honour. I do not think there is any other leader at present in the country who has got the general support of or who is honoured and respected by every party in the country. Of course, there may be people who are critical. And so I take this statement of Shri Dahyabhai Patel as a compliment to the Prime Minister. I shall not say anything more.

Again I would like to request Shri Bhupesh Gupta to think over this matter coolly. The Communist Party here has made a number of mistakes before and I must say that their judgment has been found to be very wrong.

SHRI BHUPESH GUPTA: As if the Congress never made mistakes.

SHEI LAL BAHADUR: We have made mistakes, but not those great blunders that you have made. I did not want to say it at the end, but as the hon. Member has mentioned it, I may say that in 1942. tlie Communist Party made a serious blunder and declared that our fight for independence was a fight against democratic instiitut'ons and progress.

SHPT BHUPESH GUPTA: We did not.

SHRI LAL BAHADUR: Well, the Communist Party held that attitude and never participated -n the movement and they condemned our activities from 1942 to 1944. And Shri Bhupesh Gupta knows what the reaction of the people <ss a whole was against the Communist Party at that time. And when we became independent in 1947, then the Communist Party felt that we were still under the yoke of British imperialism and our independence was a fake independence.

And now has come another moment, a much more critical moment, when the Communist Party thinks that India and China can be blamed equally and that there is no aggression on India, cu though 12,000 squai-3 miles of our territory are occupied by the Chinese. It is but natural that every Indian should feel disturbed and feci strongly about it. And this strength of feeling persists among the people against those who say that India and China are to be blamed equally for the developing situation. I would beg of my hon. friends to consider this matter coolly and if even now they think of retracing their step, it would be good for their party as well as for the country as a whole. I thank you, Sir, and I hope this Bill will obtain the support of the whole House.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clause 2—Questioning the territorial integrity or frontiers of India in a manner prejudicial to the interests of safety and security of India.

SHRI BHUPESH GUPTA: Sir, I move:

5. "That at page 1, line 10, for the words 'safety or security' the words 'territorial integrity' be substituted."

6. "That at page 1, line 12, for the word 'years' the word 'months' be substituted"

7. "That at page 1, after line 12, the following provisos be inserted, namely:—

'Provided that no one shall be punished for spoken words, except on the basis of (i) the complete and exact report of all the words so spoken, and of (ii) the prior verification of the correctness or otherwise of such report by the person who has uttered the words:

Provided further that no such report shall be admissible as evidence unless it is taken down openly and at the time when the words were actually spoken.

Provided also that no such report shall be admissible as evidence unless, immediately after the recording is complete, it is attested and signed by at least five persons who are not government servants or in any way connected with the Congress organisation or any ether organisations known for their opposition to the general foreign policy of the Government of India:

Provided also that no such report shall be admissible as evidence unless the report has been submitted to a magistrate of the first class within twenty-four hours of-the words so spoken and recorded together with the comments on the same by the person who has spoken those words'."

(The *amendments also stood in the name of* Dr. *A. Subba Rao.)*

The questions were proposed.

SHRI BHUPESH GUPTA: Sir, my amendments are very simple ones and Dr. Kunzru has dealt with the points I have mentioned in them, of course, in his own way. Here, in clause 2 it is stated:

"Whoever by words either spoken or written or by signs or by visible representation or otherwise."

My simple amendment, which is the first one, only says that for these words—"safety or security"—sub-

[Shri Bhupesh Gupta.] stitute the words "territorial integrity". The hon. Minister speaks of tha Bill being needed for safeguarding the territorial integrity of India. So I say, keep the words as "territorial integrity" and delete the others. Why bring in these "safety and security" here? They are broad terms which can be interpreted in any manner. Some people generally like such general broad terms and one does not know what definitions they would admit of. And then in the various States there are the State Security Acts. For example, in West Bengal there is the West Bengal Security Act. It covers many of these things. In Punjab also thev have a similar Act and so also in the other States there are Security Acts. But here I must say that in this Bil! ample power is given to launch prosecutions aid to. sentence people to long terms of imprisonments and that is not possible under the provisions 17* the State Security Acts. That is why they seem to have put in such a provision here. So I only seek to change thes© words to territorial integrity. I also say that instead of three years, you may keep the period a3 three months. I need not say much about that.

Next I come to the other amendment to which, I request, the House ghould give a little more attention. I want a proviso to be added. It says:

"Provided that no one shall be punished for spoken words except on the basis of (i) the complete and exact report of all the words so spoken, and of (ii) the prior verification of the correctness or otherwise of such report by the person who has uttered the words:

Provided further that no such report shall be admissible as evidence unless it is taken down openly and at the time when the words were actually spoken:

Provided also that no such report shall be admissible as evidence unless, Immediately after the recording is complete, it is attested and signed by at least five persons who are not government servants or in any way connected with the Congress organisation or any other organisations known for their opposition to the general foreign policy of the Government of India:

Provided also that no such report shall be admissible as evidence unless the report has been submitted to a magistrate of the first class within twenty-four hours of the words so spoken and recorded together with the comments on the same by the person who has spoken those words."

I hope that it is not the contention of the Government that people should be persecuted or prosecuted on the basis of certain reports, certain stray reports or certain words he may have uttered.

SHRI SUDHIR GHOSH (West Bengal): What do they do in Communist countries?

SHRI BHUPESH GUPTA: That I will tell you later on.

In the ordinary law, for instance, the law of defamation or even sedition, under criminal law, it was laid down by the Judges of the High Courts of that time, under tlie British, and in the Federal Court, that when you launch a prosecution on a charge of sedition or under the corresponding sections of the Defence of India Act, the entire speech had to be gone into because isolated words might give a wrong impression. Isolated worde may make something which the speaker may not have meant, and I think Mr. Justice Spens in the Federal Court, in the case of Dutt, Mojumdar and others laid this down. This thing was said in every case, right frotm the case of Bal Gangadhar Tilak—for once I am talking like a lawyer—down to many others it was said that the entire text of the speech should be gone into. You talk of spoken words. Shri Lal Bahadur has spoken so many words. May I take teil or

fifteen words of his and then say that ; this is what he has said? No, I can- ' not say this thing because sometimes even a reasonable man like him can be made to make very unreasonable and unjust statements by quoting two or three words of his. Therefore, it is very very important. This is number one. Number two is that these words should be taken down at once and openly. I do not trust your Secret Service men, Mr. Lal Bahadur Shastri. You may have tremendous faith in them but I do not have because I know what they did. I have suffered not from today but from the thirties. I know how the reports are -written. The same people remain, most of them are there, old people and they are trained in that way. When the Government gives the signal clear, they go and write all types of reports. I know what happened in West Bengal. All kinds of things were said and the speech was distorted. The entire speech was rot there. Therefore, this is very very important. It should be complete and written simultaneously when the report is made. Since you are so good, you do not intend to prosecute, why not say that the entire report should be shown to me? Suppose I have spoken certain • words which according to you are prejudicial, and suppose further that your man has taken down the speech. Let them come and put it to me. I will say that I have said it or I have not said it. If I have not said it, you can say what you have to say and then set the matter at rest. That is the correct approach where you think that I have said something wrong but why, behind my back, you want something to be written, launch a prosecution and then call upon the courts to adjudicate on it? I cannot understand it. We have suffered a 3pt in the country on account of sedition, and it was precisely because garbled reports of speeches were made. Here, Shri Jaya Prakash Narayan, had written a letter to the Times on the 26th April. Had he said it in a meeting, had he spoken it and you pick him up. even he can be prosecuted. Speaking about the Indo-China problem, he says:

> When both countries claiming a territory in question as their own produce evidence to establish their claims, the matter cannot be disposed of by use of force or by the use of terms of aggression".

I was hearing all the time in the morning all things that were said but here is Shri Jaya Prakash Narayan who is giving advice and is saying things like that. What I would like to know is. does he or does he not come under your law? If you have to make a speech, then the entire speech should be taken down. I would like to say this for the enlightenment of Dr. Kunzru. He is sufficiently enlightened and he radiates light, but referring to the manner in which he spoke 1 would say that I was saying more or less the same thing ou the subject. This is very very important. This thing should be done openly. If I whisper—I do not have a wife—or if somebody whispers to his wife something, well that does not bring down your borders. Your border is far stranger that way. If somebody speaks in a public meeting as you have in mind, then five persons from the audience should testify to it that a speech of that kind was made. Don't trust your policemen or the police reporter. Here again, please cut out the Congressmen. Elections are near at hand and, though seme Congressmen are good, many of them may be tempted under the circumstances to file such a kind of application to get some people out of the way, out of arm's way, if you like that way, in the elections. Their evidence should not be taken. I do not think it is the job of the Congressmen—I do not see anything in your constitution —to take down reports and send them to the Home Minister. I do not see it and that should not be done. I have also added any other party whose policy is opposed to the foreign policy of the Government of India, whose opposition to the foreign policy of the Government of India is known. At least do not trust those who oppose your foreign policy. Here is our friend, Mr. Dahyabhai Fafel. He sup--

[Shri Bhupesh Gupta.] ported you with great gusto and enthusiasm but you were a little embarrassed. I know it because he opposes the entire policy of yours. Therefore, if he becomes a complainant and files an affidavit, certainly you should not like to accept it. The same is the case with our friends in the P.S.P. I will also be accused by our friends in the P.S.P. Therefore, do not accept what they say because they may be interested in persecuting the Communist Party, especially in a place like Bengal. I know that in spite of all the brave talks, as far as West Bengal is concerned, neither the Swatantra Party nor the P.S.P. has even the ghost of a chance in the next General Elections. I can tell you that much. I make a statement here, and in 1962, I will stand here and you can ask me as to what I had said.

SHRI SUDHIR GHOSH: The hon. Member supports the foreign policy of Government because he believes that India's neutrality is a half-way house to Communism.

SHRI BHUPESH GUPTA: As far as Shri Sudhir Ghosh is concerned, I would not say anything because he came here in the P.S.P. He is now in the middle and moving in that direction. By the time the next General Election comes, what proposition he will be, I cannot tell. He lives on hopes for the present.

This is very very important and that is precisely the reason why I brought in the Darjeeling case; that is precisely the reason why I brought in the Kalimpong case and mentioned as to how it was done. The magistrates today, as you know, in some cases are under the direct pressure of the administration and the executive and that is why I say that this amendment of mine is neeessary and should be accepted. Spoken words should not be treated in a light-hearted manner. I say this because you have seen the kind of reports that the Prime Minister got from the police officers. Shri Lal Bahadur is now trying to be an I expert on the "right", "left", "centre" of the Communist Party, but I think he would do well if ne looks after his incompetent and misleading Intelligence Branch.

THE MINISTER OP STATE IN THE MINISTRY OF HOME AFFAIRS (SHRr B. N. DATAR) : Sir, I oppose all these' amendments, and 1 would be very brief.

SHRI AKBAR ALI KHAN: Sir, we also want to speak and oppose these amendments.

MR. DEPUTY CHAIRMAN: He is opposing.

SHRI B. N. DATAR: I am opposing' all the amendment?.

So far as amendment number 5 is concerned, he wants the words "safety and security" to be dropped. You will see, Sir, that in today's conditions in India, safety and security are closely tied up with the maintenance of territorial integrity. Therefore, all these three expressions have; to be together.

The next amendment wants the punishment to be reduced from three' years to three months. That would be almost a travesty of justice. Intact, as I pointed out yesterday, even the term of three years is considered' to be very mild punishment by a number of hon. Members. In fact, according to them, it ought to be far more. So far as amendment No. 7 is concerned, it is not only impracticable— but it also insinuates certain things which are entirely wrong. So far as-the matters that havo to be taken into-account are concerned, it is entirely one for the court to deal with. The~ court is governed by the Indian Evidence Act. It will go through the principles laid down and whatever is admissible will be taken into account and no such directions which are-absolutely impracticable, if not also mischievous, can be inserted in this-Bill.

SHRI BHUPESH GUPTA: The Bill is sufficiently mischievous and you can accommodate some more mischief

SHRI B. N. DATAR: In one of the amendments there are grave insinua-tions and it says that the Congress and the persons who are in the Congress have to be excepted in the matter of verification of certain documents. Therefore I cannot accept that amendment also.

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page l, lino 10, for the words 'safety or security' the words 'territorial integrity' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question ls:

6. "That at page 1, line 12, for the word 'years' the word 'months' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

7. "That at page 1, after line 12, the following provisos be inserted, namely:—

'Provided that no one shall be punished for spoken words except on the basis oi (i) the complete and exact report of all the words so spoken, and of (ii) the prior verification of the correctness or otherwise of such report by the person who ha.s uttered the words:

Provided further that no such report shall be admissible as evidence unless it is taken down . openly and at the time when the words were actually spoken:

Provided also that no such report shall be admissible as evidence unless, immediately after the recording is complete, it is attested and signed by at least five persons who are not government servants or in any way connected with *the* Congress organisation or any other organisa- | tions known for their opposition to the general foreign policy of the Government of India:

Provided also that no such report shall be admissible as evidence unless the report has been submitted to a magistrate of the first class within twenty-four hours of the words so spoken ana recorded together with the comments on the same by the person *wno* has spoken those words'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of tne Bill.'-

The motion was adopted.

Clause 2 *was added to the Bill.*

New Clause 2A

SHRI BHUPESH GUPTA: Sir, I move:

8. "That at page 1, after line 12, the following new clause be inserted, namely:—

'2A. Any person, whether public servant or not, who makes a distorted, garbled or otherwise an incorrect report or complaint against a citizen of India with a view to incriminating him under section 2 shall be punishable with imprisonment which may extend to three months, or with fine, or with both'."

(The *amendment also stood in the name of Dr. A. Subba Rao.)*

Sir, this is a very logical thing. Here your sincerity is put on test. You say that those people who have not committed any crime will not be punished. That is all right. But suppose some people try to persecute people by lodging false complaints. In that case such people should also be punished. We would not like one set

[Shri Bhupesh Gupta.] of justice for one set of people and another set of justice for another set of people. What is the guarantee in this Bill that some people may not try to abuse this provision in this measure? Therefore there should be a clear provision that in the name of territorial integrity of the country or of protecting and defending it, it should not so happen that certain officials or other individuals—may not be officials—try to wreak political vengeance against others, persecute others, send them to jail or harass them. Should they be found doing so, they should be punished. I would like to know Shri Shastri's attitude about it.

SHRI P. D. HIMATSINGKA: Section 211 of the . . .

SHRI BHUPESH GUPTA: Don't talk about sections. Why not have in this? He i_s a solicitor but then he goes for the Big Business in Calcutta and therefore he would not understand when we suffer, when the common man suffers. If they say that nobody will harass anybody, then accept this, just as they ask me to accept what they say. This is only a safety clause against any abuse of authority and it should be incorporated in the body of the Bill with a view to guarding the fundamental rights and so on. It should not be one-way traffic; let it be two-way traffic. Therefore I want them to accept this.

The question was proposed.

SHRI B. N. DAT AR: Sir, I oppose it for two reasons. One is, so far as the public are concerned if any person gives a wrong information, he is liable to be punished under section 182 of the Indian Penal Code. So far as Government, servants are concerned, they are bound by the Government Servants Conduct Rules and if any such report is made by them, they are liable to be punished under the Government Se-rvants Conduct Rules.

SHRI BHUPESH GUPTA: Then have they been punished who gave such information abrut Satyen Mazumdar to the Prime Minister?

MR. DEPUTY CHAIRMAN: The question is:

8. "That at page 1, after line 12, the following new clause be inserted, namely:—

'2A. Any person, whether public servant or not, who makes a distorted, garbled or otherwise an incorrect report or complaint against a citizen of India with a view to incriminating him under section 2 shall be punishable with imprisonment which may extend to three months, or with fine, or with both'."

The motion was negatived.

Clause* 3 *Statements, etc. in a noti-fied area prejudicial to maintenance of public order etc., therein or to safety or security of India and regulation of entry of* persons *in such area.

SHRI BHUPESH GUPTA: Sir, I move:

9. "That at page 1, for the words 'safety or security of India or in the public interest' the words 'territorial integrity of India' be substituted."

10. "That at page 1, after line 19, the following provisos be inserted, namely:—

'Provided that no such notifica tion shall be made in respect of any area within three months im mediately preceding the polling dates for a general election or bye-election to the House of the People, State Legislative Assemb ly or Territorial Council, unless a Board consisting of three Judges of a High Court or the Supreme Court, on a special reference by the Government to examine the reports about the area concerned, comes to the conclusion that there are reasonable grounds for making 1 such notification:

Provided further that in all cases where a notification under sub-section (1) of section 3 is pro- | posed to be issued, the Government under whose jurisdiction the area concerned is situated shall call a meeting of the representatives of all political parties in the State or the centrally administered area concerned, as well as of all members of Parliament and State Legislature or the Territorial Council concerned, as the case may be, elected from "the area concerned, at which all relevant grounds for issuing the notification shall be explained and the opinion of those present shall be sought and recorded for consideration by the Government:

Provided also that if there is a strong divergence of opinion as to the advisability of issuing such a notification, the entire matter shall be referred to the Prime Minister of India for final decision and the Prime Minister may constitute a fresh inquiry to assess the situation in the area concerned and consult the representatives of all parties and groups represented in Parliament before taking the final decision in the matter'."

11. "That at page 1, after line 19, the following be inserted, namely: —

'IA. All notifications issued under sub-section (1) of section 3 shall expire sixty days after the date of the issue of such notification'."

12. "That at pages 1 and 2, in lines 22 and 1, respectively, for the words 'mainitenance of public order or essential supplies or services in the said area or to the interest of the safety or security' the words 'territorial integrity* be substituted."

13. "That at page 2, line 3, for the word 'years' the word 'months' be substituted."

14. "That at page 2, after line 3, the following proviso be inserted, namely:—

'Provided that no peaceful activity in pursuance of normal trade unionism or for the improvement of the wages and earnings of the workers, peasants and other sections of the working people or for the advancement of the cause of the tribal people and backward communities as envisaged in the Constitution or for securing adequate supply cf foodgrains and other essential necessities of life or for the provision of better housing and, communication shall be deemed prejudicial'."

15. "That at page 2, after line 3, the following be inserted namely:—

'(2A) Any person, whether public servant or not, trying to interfere with the normal trade union activities in the notified area or in the exercise of the fundamental rights of the residents in such area by attempting to take recourse to the provisions of this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both'."

16. "That at page 2, af ter "line 11, the following proviso be inserted, namely:—

'Provided that no person who is not a citizen of India and who is known to have interfered in the internal affairs of any neighbouring country at any time from the Indian soil or has committed other forms of prejudicial activities shall be allowed to remain in or enter any notified area'."

(The amendments also stood in the name of Dr. A. Subba Rao.)

SHRI A. D . MANI (Madhya Pradesh) : Sir, I move:

I. "That at page 1, line 21, the word 'rumour' be deleted."

The question was proposed.

SHRI BHUPESH GUPTA: Sir, the point I wish to make first here is that

[Shri Bhupesh Gupta.] this is the most important clause. This clause 3 deals with how the notification has to be made and what will happen following the notification. And here again I wish to bring in the expression "territorial integrity". The notification should not be made for any other reason except for considerations of territorial integrity. Other things are there but the ordinary law of the land can look after those things. Besides there are certain special legislations like the Security Act etc. Therefore the expression "territorial integrity" should be there, and the expression.! "public interest" should be deleted. It is a very vague and wide expression. It depends on the whims of individuals who would be dealing with this matter whether in the courts or when they launch the prosecution, that is to say, the police in the present case. Therefore this expression "public interest" should be deleted, because I fear that in some cases the interest of the Congress Party would be regarded as public interest. We have seen it; we know it for a fact that such things happen.

SHRI J. S. BISHT: If that were so, you would not be here.

SHRI BHUPESH GUPTA: I am not here by the grace of the Congress Party; I am here by fighting you every inch. Therefore do not try to patronise me that way. You like me; I like you but do not try to patronise. This patronising and parental attitude I do not like. We are here and we will continue to be here. When we go there will not be any Parliament here. You will also be outside somewhere; maybe, sharing the same jail. Therefore do not say such things. Now, I do not say that in every case it will be like that but it is liable to be.

Now, I want to provide that no such notification would be made immediately before the elections. Well, Sir, their *bona fides* are in question; I do not say that Shri Lal Bahadur Shas-tri's personal bona *fides* are in question. I refer to the *bona fides* of the Congress Party in distress. He is now interested in other parties and therefore I do not know how far he will go to the rescue of his party. This may be used for the elections. Have we not seen that even iri the panchayat elections and other elections the present laws are utilised and made use of by vicious Congress candidates with a view to beating down the opposition parties and opposition candidates? I am talking about individuals. Certainly I would not say that Mr. Nehru would like to do so or Shri Lal Bahadur Shastri would like to do so but individuals may do it. And they are doing it in some places. Take for instance Darjeeling.

SHRI P. D. HIMATSINGKA: Individuals will issue notifications?

SHRI BHUPESH GUPTA: Anyway, I say, guard against such a thing. For instance, the hon. Lady Member comes from Darjeeling. They are in a bad way there. After the next elections her smile will be there but many smiles will disappear.

SHRIMATI MAYA DEVI CHETTRY: We also know what your party is doing there.

SHRI BHUPESH GUPTA: You will never use it; I am not afraid of you but I am afraid of others. They may go to the District Magistrate and ask him to put Ratan Lal in jail. She knows Ratan Lal very well. They may ask other M.L.As to be put in jail for two years or three years so that they may have a smooth sailing. What is the guarantee that such things will not happen.

Here is another important thing. How do you declare a notified area? Who does it? The Government, but the Government is not Godhead. Government means some officials somewhere. They decide it and how do they decide it. Sometimes, when a Police Minister in the State asks something to be done it is done and the Police Minister is a party man. Sometimes he is in difficulty in the matter of elections also.

■Such is the position and the magistrate may do so and the area will be declared a notified area on that advice and after that the whole thing will come. Prosecutions will come; other .repressive measures will come and executive actions will come and eer-•tain civil rights and liberties will to a great extent be handicapped. We ■cannot allow this thing. Let the notified area be declared at least in a proper way. If you say that the country's integrity is threatened, then in the interest of the country's Integrity, I am sure you can call a meeting of the various parties and groups and since you have the support of all the parties except our party's support to this Bill, you can easily count on their support there. Ask your local Congress M.Ps and M.L.As. and place your views before them Ask for their views. We shall also be there as M.Ps. and M.L.As., as local parties, but ours may be a lone voice. I am conceding all these advantages to you. Even so, call a meeting. Place this thing and :ask for their opinion. If the local people say that a situation has arisen warranting a 'notification, notify, it, if you must. But don't do it from the housetop, from outside. Consult them, including Shrimati Maya Devi Chettry in the case of Darjeeling or Shri Kunzru in the case of Uttar Pradesh and Shri Bisht in the case of Almora and Tehri-Garhwal. Why are you afraid of it? You do not trust even your Congressmen. I am prepared to place my thing in their hands. Here they may not be speaking against a Bill in the Assembly or in Parliament. as they have to support it under the whip of the Congress Party. There, they would be taking their judgment in the light of their local knowledge and so on. Why not do it?

After that, what have I said? I have said if there is a controversy, refer it to the Prime Minister. There may be a controversy there. We exist in every part of India. Therefore, we shall be there. I agree that you may be opposed. On that our position will be very feeble compared to the voluble support that is reflected here. I say in that case if there is opposition from the other people also, as there will be no doubt, in that situation refer it to the Prime Minister. I am not asking you to refer it, as I said yesterday, to Mr. AJoy Ghosh or to anybody in the Communist Party. I say refer it to the leader of your party, the Prime Minister of the country, because I think that in a serious matter like that the political leadership should be brought into the picture, the political leadership that controls the Government. If Shri Lal Bahadur Shastri says 'Why Prime Minister, why don't you say Home Minister?', I am prepared to make that amendment. But take it in your hand under the law. That is very, very important, because I know that if the matter were to go before Shri Lal Bahadur Shastri or the Prime Minister, they would—whatever they may say today—think twice before taking the drastic action to declare an area a notified area and introducing all that will follow. Am I reasonable or unreasonable? I ask Am I a patriot?'

SHRI AKBAR ALI KHAN: Very impracticable.

(Interruptions 1

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: It seems that I have been accepted as a reasonable man.

MR. DEPUTY CHAIRMAN: They say you are impracticable.

SHRI BHUPESH GUPTA: Am I impracticable? Am I to understand that our Prime Minister is such an impractical person that he can not notify the area?

MR. DEPUTY CHAIRMAN: Let us finish it.

SHRI BHUPESH GUPTA: Why do you think it is impractical? It can go to him in case of divergency. Even

[Shri Bhupesh Gupta.] the Government can go into it. It is not done in Europe I can tell you that in the 16th. 17th, 18th, 19th and 20th centuries there have been many border disputes, border conflicts, tensions, feelings which had arisen. But such measures are not usually taken. As a student of history and international law I can tell you that and here I have got another book. I do not know if he has got it. It is •'Oppenheim's International Law, Volume I". He will find even in this lfl1th century that the trend as far as the border dispute was concerned had oeen one of negotiation, one of settlement that way. Now, today you are raising jingoism, Chauvinistic tendencies in this matter. Why should you go on defaming our country? Just because of petty party advantages you are going to place the country in such a bad light before the entire world. In the middle of the 20th century you are talking like this This is what I say. I, therefore, say, let the Prime Minister do it. Sir, I make a correction in my amendment. It is written here: —

the Prime Minister may constitute

It should read—

the Prime Minister may institute

He can consult, for example. It is very important for us or for anybody. Suppose a report comes that the Communists are giving trouble and they are indulging in prejudicial activities. Shall we say that from certain border areas reports come to you? We are here. You consult us before you declare it a notified area. Maybe if something is wrong, we will put it right. By means of this arrangement, you will put them right. Why should you behave in this manner, in this authoritarian manner, in this unilateral manner, in such things? I cannot understand it, because we are all generally agreed on certain matters, that we all s!and for the territorial integrity of our country. Now, what-even Shri Kunzru may say or accuse I us, that wiH be done I know. But thea if there are certain utterances made by your party or our party it may give rise io action by some Government official. But I think in a democracy a healthy set-up is to have-mutual consultation before you go in ior drastic action. I am not one of those who would say that that is the only way. Everybody can commit an error, the Congress Government too. That is how it shoud be viewed. For example, take the case of . . .

MR. DEPUTY CHAIRMAN: You have to be brief, Mr. Gupta. We have to finish this Bill today.

SHRI BHUPESH GUPTA: But I am not interested in finishing it-Take ths case of Mr. Satyen Mazum-iar's case. It came to the Prime Minister. Suppose on the basis of that the District Magistrate had said that Mr. Satyen Mazumdar was holding a meeting, being a prominent man. Well, a situation would arise declaring it a notified area, the Kalimpong area or Kurseong area. They would have been mistaken. Now, it came to the Prime Minis.er. If the Prime Minister-calls us and asks what the matter is, we wil] tell him. after an enquiry, what the matter is. Maybe there will be no need for it. even according to their standard. Then, why should not this be accepted?

MR. DEPUTY CHAIRMAN: Come to-next point.

SHRI BHUPESH GUPTA: The non-acceptance of this amendment of mine, which is very reasonable, would only expose the party in power, because I am entrusting the matter to ihe Prime Minister and they would not even accept that. Would not that be a condemnation of the party and an exposure of its real intentions in the matter of notifying areas? What else-would it be? I would ask Shri Lal Bahadur Shastri to say something on this. And I am sorry he was reading out the Magistrate's Hindi speech and so on. Yes, last night he got it. I felt very unhappy because I thought I would be keeping Shri Lal Bahadur

Shastri's men busy the whole night, 1 which it seems. I am very sorry that 1 caused them a sleepless'night. But he was reading out something. Now, Magistrates are bombarded. Ques- 1 tions are asked, according to my information, :o elicit statements which go against us. That Magistrate sometimes is a truthful man. Do not persecute him. Now, he may have said On this basis, on such flimsy grounds areas will be notified. Afterwards, we will find that the entire borders of India are notified areas. National existence is not promoted, integrity is not promoted by notifications. It is promoted and stren- gthened by certain other things. There are certain moral imperatives of political life and national life to which one has to adhere, in order to integrate not only internally the population, but also the country as a whole. I, therefore, suggest that this amendment be accepted.

Then, Sir. I wiJ] just pass over. Then, I say it should expire after sixty days. Mr. Bhargava is not here now. He asks why there is amendment. It means that I support the Bill in principle. Who said it? I opposed it when it came to voting. Now, once I have lost I do not give up my fight. I continue that fight. Therefore, I say, make it for sixty days. It should expire after that. Why should it be a permanent law like this? I cannot understand it. Even taking your position, assuming that you are right, you can extend it from time to time if the situation so demands in the light of your judgment. Then, Sir, "maintenance of public order or essential supplies or services in the said area or to the interest of the safety or security"—I want all these words to be deleted. Mr. Datar said that they are linked up with the integrity of the country. Do I understand that when these were not there in such a Bill, shall we say, in 1953 or later on, the integrity of the country was gone? Here it is clear that you have put it in with a view to suppressing the trade union activities, but other corrupt activities will take place. I told you in the morning how in Choumali Tehri Garhwal area, the cement of the Government is going, and in the name of construction the contractors do not have a construction plan but they sill the cement in the blackmar-ket and make money. When Government pay Rs. 7 per bag, {hey show that they have spent the cement in construction but sell a part of it in the blackmarket. That is how you lose. Suppose I start a movement' against the squandering of the Government, against the corruption of the contractors there—we are wasting the cement, it is the property of the State—some District Magistrate or some police officer, if he is properly looked after by the Cementwallas, may say that Bhupesh Gupta is carrying on activities prejudicial to the safety and security of the country, that he is threatening the territorial integrity of the State, "let us catch him and take him to jail." That is how I will go to jail. Would that save your cement? This is the question I put. Would that save your money?

Sir, Shrimati Maya Devi Chettry stated this morning that they needed a university in Darjeeling, for the backward areas. I sympathise with her, and she asked me to start a movement and I said that I would write to the Darjeeling Party.

SHRIMATI MAYA DEVI CHETTRY: I said what you did.

SHRI BHUPESH GUPTA: If I have not started a movement, I apologise to you and I shall see that a movement is started. Suppose I start a movement there, the maintenance of supplies, the safety and security of the country, all these questions will come. That is how it ■ will happen. We know how things are handled. About essential supplies, you have failed to supply anything to the backward areas, you have failed to give better housing, better food, better clothing, better education, more money for the improvement and upliftment of these people, and now today when there is a need for a legitimate democratic movement to be started there for the upliftment of these people, you are introducing this thing

[Shri Bhupesh Gupta.] to terrorise the people so that then 'cannot be any movement

SHRI SUDHIR GHOSH: Anti-national propaganda is not requirec there.

SHRI BHUPESH GUPTA: It is nol ■anti-national propaganda. You have never led a movement. We have led we know what it means. It is nol :anti-national propaganda. Suppose 1 say I demand more rice, and I bring out people in the streets of Darjeeling Suppose I say I want to stop this Blackmarketing here by these people or shady deals by the contractors. Well, some police officer may be bribed and I may be called all names and brought under the provisions of this measure and prosecuted and tried-Have we not been tried in this rmanner?

SHRI AKBAR ALI KHAN: Any •good law could be abused. It has nothing to do with this. The proposition you are advancing should apply to anybody. Now we are concerned only with a measure to safeguard the security of India, and you are opposed to it, and it is only the Parliament . . .

SHRI BHUPESH GUPTA: Safely, you do not live near a border area. After the "Police Action" you are very safe. Now I live in a border area, we lead movements. My lady ■friend knows it.

Then my last proviso is this: years T do not mention:

> "Provided that no peaceful activity in pursuance of normal trade unionism or for the improvement of the wages and earnings of the workers, peasants and other sections of the working people or for the advancement of the cause of the tribal people."

Shrimati Chettry may please note this . . .

MR. DEPUTY CHAIRMAN: Everyone of them is self-explanatory.

SHRIMATI MAYA DEVI CHETTRY: So far a_s you do not exploit our people there, it is all right.

SHRI BHUPESH GUPTA: I am very grateful to the hon. Lady. She says "So long as you do not exploit our people". We never exploit any people. We do not belong to the exploiting classes. Therefore, I say that these activities should not be considered prejudicial. You can state it very clearly if it is not your intention to tamper with, to interfere with the normal trade union activities of popular movements for better life and soul. Why cannot you accept this provision ' of mine which puts it outside the pale of being abused? These are all very reasonable, and you will see that they will reject everyone of them and I can tell you that the only conclusion that we can draw from the rejection of these things is that at the back of their mind it is to see that no popular movement rises in those areas which are made over to speculators and others in the coming years. Let him answer this thing.

MR. DEPUTY CHAIRMAN: You now finish your speech.

SHRI BHUPESH GUPTA: Let me finish my amendment No. 15. I have said that officers who interfere with the trade union rights should be punished. Then, Sir, this is important, this will be practically the last thing, this proviso:

> "Provided that no person who is not a citizen of India and who is known to have interfered in the internal affairs of any neighbouring country at any time from the Indian soil or has committed other forms of prejudicial, activities shall be allowed to remain in or enter any notified area."

This is perhaps my last amendment of importance. Here I did not get a satisfactory answer from the Home Minister. Here is George Patterson whose activities are known, not from hearsay nor from any other source.

SHRI SUDHIR GHOSH: Who is George Patterson?

SHRI BHUPESH GUPTA: George N. Patterson should be known to you if he has not forgotten friends. But

then I can tell you that he is an imperialist agent, *Daily Telegraph* correspondent, etc., etc. Now, Sir, two books he has also had in his hand; I do not know if they look like mine, but they cannot be exactly the same. Anyway, I say you need not deal with what he has said about the Congress Party or about the Communist Party, but what he has said about himself, that is to say, the confession made by him about his activities should be taken seriously by the Government. What are these activities? This covers a period of ten years, a period of a decade, from 1951 to 1959. Activities of a period of a decade are contained in this book of 300 pages or so, altogether nearly 400 pages. They are replete with concrete instances giving dates, etc., etc., organisation of a rebellion, rebels there holding meetings, smuggling arms, getting people from Tibet to India and sending them outside, meeting American agents who had come from the United States' in Kalimpong.

MR. DEPUTY CHAIRMAN: You have said enough yesterday. More than one hour you had taken.

SHRI BHUPESH GUPTA: These are mentioned. Not only these but he has said something serious about his meeting the secret service men, the security men of the Government of India.

MR. DEPUTY CHAIRMAN: You have read extensively from those books. There is no need to repeat them again.

SHRI BHUPESH GUPTA: I do not wish to repeat them. He should tell us who are the secret service men who met George Patterson. He has said he consulted Delhi, he met them, he took their advice. It is certainly not Lal Bahadur.

MR. DEPUTY CHAIRMAN: That will do, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA: Therefore, it is a serious thing. Now, Sir, they were interested in *New Age.* They are not interested in these things, not one speaker referred to these two books as to how these had come to be written. I say it is no use passing this aside. Supposing self-accusing things were written by a Communist how would you use them? We would have had a debate for four days. Now a man after committing a crime for ten years confesses to the crime, and still he is in India. I think he is still in India. In these crimes he involved the secret service officers of the Government of India, he gives their names, and so on. A combination of secret services of America, India, Britain . . .

MR. DEPUTY CHAIRMAN: You have said enough. You are repeating your arguments.

SHRI BHUPESH GUPTA: Such people should not be allowed to enter there at all. They should be expelled from the country. Yesterday, you were not here, Sir, I made a point.

MR. DEPUTY CHAIRMAN: I was here till the end of your speech.

SHRI BHUPESH GUPTA: But you made a very uncharitable observation about me. You said that I was trying to camouflage. This morning I pointed that out to the Chairman. Because I did it in your absence, I must say that. It is not for me to advice the Chair not to make such remarks as would make the Chair appear as if it has taken a side. Yesterday you said so many good things also. 5 P.M.

MR. DEPUTY CHAIRMAN: I told you yesterday that you were not speaking about the alleged Communist activities but were only speaking about Kalimpong and others. It is intended to camouflage.

SHRI BHUPESH GUPTA: No, Sir. Now you say . . .

MR. DEPUTY CHAIRMAN: What else is that? I want you to explain it to the House.

SHRI BHUPESH GUPTA: You said if. They spoke about alleged Communist activities. I repudiated every single charge that was made.

MK. DEPUTY CHAIRMAN: Your ch never mentioned anything about such activities,

SHRI BHUPESH GUPTA: I repudiated it. I speak in the Rajya Sabha. My party works in the fields and factories. That is not the point. But the point is, you said that we were trying to camouflage. Then the newspapers caught it. You appeared in bold prints. I like you to appear in bold prints- I like that. Then you used this word 'camouflage' as if I was camouflaging. Is it proper for you, I ask you, to put a Member of this House in the wrong light before the public by dropping a remark of this kind? If i_t j_s so, do it, I will submit to it. But that is not fair. We are not doing camouflaging business here, I tell you. I tell you that every single activity described here is anti-national, against public interest, against Panchsheel, against the Bandung spirit, against the Government of India. Well, these were there. There were, of course, anti-Communist things but there was something more than that- Our Government was doing nothing and even today he did not furnish any information as to which officer was responsible or if he was in touch with them or what he was doing.

MR. DEPUTY CHAIRMAN: You are repeating yourself. Please close.

SHRI BHUPESH GUPTA: I know I am repeating. It is unpalatable to you. I know that when the India-China question comes up, twenty-five minutes are given even for supplementaries- Yes, I am repeating. I do not wish to trouble you any more. I say that these are . . .

SHRI AKBAR ALI KHAN: Have you condemned China for its aggression? That is the simple question.

SHRr BHUPESH GUPTA: What are they doing? Ten years of silence over the activities of persons like George Patterson and other people him shows how the Government behaves Today some of them are being given permits in this country to start factories. The Dalai Lama's brother is there. He is given permits and so *on.*

I am sorry, Sir, that I have to say this thing. I hope that Shri Lal Bahadur Shastri wiH look into this matter. We are not in a hurry to pass this measure.

SHRI A. D. MANI: Sir, I have moved thi_s amendment which is No. 1 in the list, and I should like to be very brief. I will not take more than five minutes- I am not moving the other amendments which stand in my name.

I support this Bill and I feel that the Bill ha_s been brought a little . . .

MR. DEPUTY CHAIRMAN: Please speak about your own amendment.

SHRI A. D. MANI: I am supporting this Bill. I have certain genuine difficulties regarding the word 'rumour'. I would like to draw the attention of the House to clause 2 of the Bill because it is relevant in respect of the submission I am going to make about clause 3. In clause 2 it has been stated "in a manner which is, or is likely to be, prejudicial to the interests of the safety . . .

MR. DEPUTY CHAIRMAN: You are on clause 3. Your amendment is that the word 'rumour' be deleted.

SHRI A. D. MANI: With great respect I have to say that I am mentioning my point.

Ms. DEPUTY CHAIRMAN: You please confine your remarks only to the amendment in question. We are not concerned with clause 2. It has already been passed.

SHRI A. D. MANI: I am making my submission- That is relevant because unless I read out that section. . .

(MR. DEPUTY CHAIRMAN: We have no time to go back.

SHRI A. D. MANI: I would like to mention that I am advancing my arguments. In clause 3 of the Bill there is no reference to "in a manner which is, *or* is likely to be" etc., etc. It means that a person who makes a true statement, who has no intention whatsoever of aiding the Communist Party or those who question the territorial integrity or who circulates a rumour with a good intention for the protection of his own family will come within the mischief of the Bill. I would like my hon. friend, the Home Minister, to consider the case of a border village. There is a family, a sweeper's family, there. They see Chinese concentrations on the border and the husband or the head of the family comes and tells his people that the Chinese are concentrating on that border and that he would like now to go down to the plains. That would be a rumour within the mischief of clause 3. If Government had introduced a phrase "in a manner prejudicial", then this would not have been objectionable. Sir, the word 'rumour' does not have an established judicial status. It occurs in the Indian Penal Code but there in the Indian Panel Code but there in the Indian Penal Here any person who takes a *bona fide* action, the border villager who wants to protect himself and his family, will come within the mischief of the Bill. It will not be correct to say, therefore, that this clause is free irom criticism. Further, there is no case law on the word 'rumour'. I have checked up Wharton's Law "Lexicon and Stroud's Dictionary. Neither the American law nor the British law has got any case law on the word 'rumour'. Further, you will have to consider the case of newspapers. There are many newspapers which are opposed to the dictates of the party of my hon. friend, Mr. Hhupesh Gupta. Suppose there is a paper published in Delhi. An area is notified and the paper's correspondent finds that there are Chinese troops on the border. In order to alert the public and in order to give information to the Government about how the defences can be strengthened, the newspaper may publish a *bona fide* report about this matter saying that this is happening. The question of intention, as I said, does not come within the purview of Clause 3; it comes within the purview of clause 2. That is why I made a reference to it. If Government had repeated the phrase "in a manner prejudicial to the security of India" all through, we could have taken the stand that we are not punishing bona *fide,* genuine expressions of opinion for the protection of a family or the newspaper or the public. Yesterday the hon. Minister, Mr Datar, made an interjection when my hon. friend, Dr. Barlingay, put a question to him. He asked him whether under clause 3, if one uttered a true word without any intention to question the integrity of India, he would come within the mischief of the Bill. And my hon. friend said at that time that he would. Sir, we are placing an extraordinary legislation on the' Statute Book as a part of the permanent law of the land- Let us also realise that whatever is being done by the Central Government will be followed by the States to deal with local agitations. We must make it very clear that the word 'rumour' which does not have a case law behind it is being introduced in the Bill and a new offence is being created. Further, the people who live in the border areas are living in conditions of- grave insecurity. There are no established lines of communi-cation, there are very few newspapers published in those areas excepting ! those newspapers which belong to my [1] hon. friend, Mr. Bhupesh Gupta's I party. Sir, I would like to ask the t Government what steps they are going I to take in view of the fact that they j are making rumour a part of this Bill I to see that this Act is not misused ; asainst bona *fide* and genuine people. [!] We are dealing with villagers living in the border areas. What protection is Government going to give in respect] of these people? Further, if this j clause stands as a part of the Bill. ! what will happen tomorrow is that no j newspaper in India can publish a bona " *fide* report about the border conditions

[Shri A. D. Mani.] because it will certainly be brought within the mischief of the Bill and I do not want that such an extraordinary provision should be made a part of the law of the land. Newspapers largely, and particularly when the Chinese are concerned, depend on rumours. We have no means of verifying whether the Chinese have got ten battalions or twelve battalions on the frontier. We go by hearsay. Where it is published with a good intention, I would appeal to the Government not to take action against a newspaper or against any party. And then the word 'rumour' is redundant in this clause. I would sugest, Sir, that the word may be deleted. I would like to add one point more. Any statement covers rumour also, any report covers rumour also.

Further, I would like to ask for one more clarification from Government and it is whether they are going to send a representative of the Central Government to be in the areas which are declared as notified areas to advise the local officials and to see that they do not make use of the extraordinary provisions of the law to settle local grievances and wrongs. You know what the State police is. They often misuse their power. It is for that reason that I have moved this amendment and I hope that Government will make a statement on the subject-

SHRI SUDHIR GHOSH: If it is in order, I support Mr. Mani's amendment.

SHRI B. N. DATAR: Sir, with regard to the amendments of Shri Bhupesh Gupta I have only two observations to make. One of his amendments insinuates that the powers of notification are likely to be abused at the time of the General Elections. May I tell him and the House that such a thing has never been done till now and will not be done at all. We had two General Elections and a number of by-elections and Government had already powers with them, but they have not been abused till now. Therefore the hon. Member's fear is entirely misconceived.

Then, Sir, he wants the notification to expire after sixty days. Now, Sir, the notification is related to certain facts, as it is pointed out in clause 2, namely, that the notification is required in the interests of the safety or security of India—in the public interests—and therefore, Sir, so long as there is the emergency endangering these things, till then, the notification has to remain—until it "is found that the notification is not necessary and can be recalled. Therefore, Sir, his amendments cannot be accepted.

So far as Mr. Mani's amendment is concerned, I would invite his attention to section 505 of the Indian Penal Code. Therein also exactly similar words have been used. I would read it for his information:

> "Whoever makes, publishes or circulates any statement, rumour or report" etc.

There we have got these exact words. These words have been in use, Sir, for the last sixty-one years. This amendment was introduced, I find, in 1898 and therefore the words that we have used are exactly the same or are identical with the expressions that have been used in the Indian Penal Code.

SHRI A. D. MANI: Which section is it?

SHRI B. N. DATAR: It is section 505.

SHRI A. D. MANI: I want you to read the whole section.

SHRI B. N. DATAR: Now these words are in common use. It may be a statement or it may purport to be a report or it may even be a rumour. So far as rumour is concerned, rumour has also the potentialities of great mischief. My hon. friend made refer-

ence to the case where news is not available and one has to depend upon .rumours. I would point out to him the eminent journalist who said that it would be dangerous to depend upon rumours. I know at least of one case where a false rumour had been set afoot and that created a lot of mischief, and a number of persons were injured and killed, and therefore rumour has to be made use of extremely carefully. It is not merely that proper care . .

SHRI BHUPESH GUPTA: That should be sent to the Home Department.

SHRI B. N. DA TAR: As the citizens of India, as the patriots of India it is their duty to see that no rumour that is likely to affect adversely the public interests of India, or the other things —any statement or report—is published at all.

SHRI BHUPESH GUPTA: In that case we should have a Minister for Rumour.

MR. DEPUTY CHAIRMAN: What do you want to do with your amendment?

SHRI A. D. MANI; Before that, Sir, I only want the whole section 505 to be read.

MR. DEPUTY CHAIRMAN: There cannot be a second speech.

SHRI A. D. MANI: He has not read out the whole section. If I read the section . . .

MR. DEPUTY CHAIRMAN: Order, order. I will put it to the vote.

The question is:

1. "That at page 1, line 21, the word 'rumour' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

9. "That at page 1, for the words 'safety or security of India or in the-public interest' the words 'territo rial integrity of India' be substitu ted."

The motion wa$ negatived.

MR. DEPUTY CHAIRMAN: The question is:

10. "That at page 1, after line 19,. the following provisos be inserted, namely:—

'Provided that no such notification shall be made in respect of any area within three months immediately preceding the polling dates for a general election or bye-election to the House of the People, State Legislative Assembly or Territorial Council, unless a Board consisting of three Judges of a High Court or the Supreme Court, on a special reference by the Government to examine the reports about the area concerned, comes to the conclusion that there are reasonable grounds for making such notification:

Provided further that in all cases where a notification under sub-section (1) of section 3 is proposed to be issued, the Government under whose jurisdiction the area concerned is situated shall call a meeting of the representatives of all political parties in-the State or the centrally administered area concerned, as well as of all members of Parliament and State Legislature or the Territorial Council concerned, as the case may be, elected from the area concerned, at which all relevant grounds for issuing the noti-fication shall be explained and the opinion^ of those present shall be sought and recorded for consideration by the Government:

Provided also that if there is a strong divergence of opinion as to the advisability of issuing such

[Mr. Deputy Chairman.] a notification, the entire matter] shall be referred to the Prime ' Minister of India for final decision and the Prime Minister may-institute a fresh inquiry to assess the situation ir. the area concerned and consult the representatives of all parties and groups represented in Parliament before taking the final decision in the matter.' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

11. "That at page 1, after line 19, the following be inserted, name-iy:-

'1A. All notifications issued under sub-section (1) of section 3 shall expire sixty days after the date of the issue of such notification.' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The cquestion is:

12. "That at pages 1 and 2, in lines 22 and 1, respectively, for the words 'maintenance of public order or essential supplies or services in the said area or to the interest of the safety or security' the words 'territorial integrity' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The •question is:

13. "That at page 2, line 3, for the word 'years' the word 'months' be substituted."

The motion was negatived.

Mr. DEPUTY CHAIRMAN: The question is:

14. "That at page 2, after line 3, the following proviso be inserted, namely:—

'Provided that no peaceful activity in pursuance of norma! trade unionism or for the improvement of the wages and earnings of the workers, peasants and other sections of the working people or for the advancement of the cause of the tribal people and backward communities as envisaged in the Constitution or for securing adequate supply of foodgra ns and other essential necessities of life or for the provision of better housing and communication shall be deemed prejudicial.' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

15. "That at page 2, after line 3, the following be inserted, namely:—

'(2A). Any person, whether public servant or not, trying to interfere with the normal trade union activities in the notified area or in the exercise of the fundamental rights of the residents in such area by attempting to take recourse to the provisions of this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.'"

The motion was negatived,

MR. DEPUTY CHAIRMAN: The question is:

16. "That at page 2, after line 11, the following proviso be inserted, namely:—

'Provided that no person who is not a citizen of India and who is known to have interfered in the interal affair$_s$ of any neighbouring country at any time from the Indian soil or has committed other forms of prejudicial activities shall be allowed to remain in or enter any notified area.'"

The motion was negatived.

MB. DEPUTY CHAIRMAN: T

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"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 *was added to the Bill.*

Clause 4—*Power to declare certain publications forfeited and to issue search warrants for the same*

SHRI BHUPESH GUPTA: Sir, I move:

13. "That at page 2, after line 42, the following proviso be inserted, namely:—

•Provided that no action under this section shall be taken unless a magistrate after going through the alleged prejudicial matter contained in the book, newspaper, or document, as the case may be, finds that *prima facie* there are reasonable grounds for taking action under this section and authorises such action being taken.'"

18. "That at page 2, after line 42, the following proviso be inserted, namely:—

'Provided that all powers exercised under section 4 shall be reported at the earliest available opportunity to the Parliament in the case where the Central Government have exercised the powers, and to the State Legislature concerned where a State Government have exercised such powers for consideration.'"

{The amendments also stood in the name of Dr. A. Subba Rao.)

The questions were proposed.

SHRI BHUPESH GUPTA: Here, Sir, I speak for the journalists and also for others. Now the first amendment deals with the question of forfeiture of books, newspapers, documents, and so on. As it is they can do so, tht executive can do so, that is to say, the officers can do so. Here all that I say, if you have this thing, is that the matter should be placed before a magistrate who will go into this question to see whether prima *facie* there are grounds for taking such action. Let it at least be examined at the initial stage by some magistrate who will not deal with it in the manner in which the policemen would like to do. That is better, Sir. Otherwise what will happen is that—because many newspapers come, many journals come in the country—we do not exactly know what is to be written and what is not to be written. I do not think the Home Ministry is going to have a special department to tell us like that. And some of them do not write anything at all. The point is this that we do not know. Then how to do this thing? Any newspaper-writing or anything will be in great doubt, and if the persecution takes place in this manner, some newspapers will be seized, no matter whether it is a party paper or an individual paper, as the hon. Member, Mr. Mani, pointed out. Then there will be terrorism let loose against the journalists in the country.

PANDIT S. S. N. TANKHA: Why? The High Court will decide.

SHRI BHUPESH GUPTA: This is bound to happen and it is precisely how the Press was subjected to this kind of terrorism in the war days and immediately after. Can we imagine such kind of law in any civilised country where they at random can seize the newspapers? Freedom of the Press is a cherished right. Now that is affected by this. We sit in judgment upon the journalists and the editors of the papers even before we know what they have written, because the moment it comes well, we do not like it; we seize it. He has no chance to explain. Now if it goes to the Magistrate. Sir, then probably there will be a little check. That is why I say that this should be accepted. Now it is a written thing. Nobody can take it away once it is published. You can seize it. But go through that particular process. I say this thing all the

[Shri Bhupesh Gupta.]

more because I do not have any trust at all in those people who live in the State Governments, in the Home Departments. Does it mean that I have trust here? That point I need not go into at the moment. But it is they who will be administering these provisions. So this is the fear, and I do not know what will happen to our country. If every opportunity is to be seized to pass some measure by raising anti-Communist prejudices, or in the name of big things, and then put them in the hands of small men who do not know how to behave in public life and are liable to make full abuse of such power and authority, is it right? I ask the Home Minister. Now, **Sir,** it is being done. Can you imagine such a measure being passed in England even in war time? I was there **and** there were many people who •**were** against the Communist Party at one time, or were against the war, and when the war started they spoke about *he independence of India, wrote something about India. The Government did not like it, but they could not seize the papers. Such is the position. It was done in Europe only when the dictators came. It was done in France and the third Republic ■was crushed. Now we are emulating such a thing, and I know Mr. Datar, incorrigible as he is, will continue to tread that dreadful path of suppressing the liberties of people. I cannot say this, but at least somebody there in the Congress Party should raise his voice in protest against such action on the part of the Government—even risking something. Well, Sir, they risk many things—when it oomes to internal elections of the Party. Why cannot they show a little mettle: here by opposing this kind of thing? It is about the integrity of the country-nothing to do with party elections—it is about seizing a paper—shall we say in the State of Gujarat. If, suppose, somebody writes something, why should it be done? People will run amuck. Now, Sir, in that seizure everything is included—statement, document, letters, correspondence, love letters to the wife—everything comes.

THE MINISTER OF REHABILITATION AND MINORITY AFFAIRS (SHRI MEHR CHAND KHANNA) : But you have none.

SHRI BHUPESH GUPTA: Fortun ately I have none. And if I had a wife I would hesitate to write to her about the border questroh, because I know it for a fact that Mr. Lal Bahadur Shastri wiH be getting hold of that letter through his mechanism and read it, and then put me up for trial. Having written things of this nature to my wife.....

MR. DEPUTY CHAIRMAN: You have no wife.

SHRI BHUPESH GUPTA: I think you know that. Sir, in this regime even living alone is hell of a job and to live with another person would be all the more difficult.

MR. DEPUTY CHAIRMAN: Still you are thinking of love letters.

SHRI BHUPESH GUPTA: Therefore, I ask: What are you doing? What has happened to the country? Have the Himalayas come down upon us that we must have such an extraordinary measure? Therefore, you should advise them since you advise me some time that they should consider this thing. It goes against the cherished freedom of the press. It is not merely directed against the Communist Party but others too. Therefore, it should be rejected by the House. I hope some people still would have some courage to get up and oppose it.

SHRI B. N. DATAR: Sir, so far as this amendment is concerned, the hon. Member will find that a provision has been made in just the next clause for an application in revision. That itself will meet the needs that the hon. Member says that he has in view.

MH. DEPUTY **CHAIRMAN:** The question is:

17. "That at page 2, after line 42, j the following proviso be inserted, namely:—

'Provided that no action under this section shall be taken unless a magistrate, after going through the alleged prejudicial matter contained in the book, newspaper, or document, as the case may be, finds that *prima facie* there are reasonable grounds for taking action under this section, and authorises such action being taken.'"

The mation was negatived.

MR. DEPUTY CHAIRMAN: The question is:

18. "That at page 2, after line 42, the following proviso Ibe inserted, namely:—

'Provided that all powers exercised under section 4 shall be reported at the earliest available opportunity to the Parliament in the case where the Central Government have exercised the powers, and to the State Legislature concerned where a State Government have exercised such Dowers for consideration".'

Tlie motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 4 stand part of the Bill."

The motion zoas *adopted.*

Clause 4 *was added to the Bill*

Clause 5—Application, *to High Court* to *set aside order of forfeiture*

SHRI BHUPESH GUPTA: Sir, I move:

19. "That at page 3,—

(i) in line 21, for the words 'No order' the words 'any order' and for the word 'shall' the word 'may' be substituted; and

(ii) in lines 22-£3, the words 'otherwise than in accordance with the provisions of this section be deleted."

20. "That at page 3, lines 22-23,. for the words 'otherwise than in accordance with the provisions of this section' the words 'except by person or persons aggrieved by such order or action' be substituted."

(The amendments also stood in the name of Dr. A. Subba Rao.)

The Questions were proposed.

SHRI BHUPESH GUPTA: Sir, my amendments are very simple. In fact, if the Minister accepts the first one, I need not press the other one. It says:

"No order passed or action taken under section 4 shall be called in question in any court otherwise than in accordance with the provision of this section."

This is how the clause has been put. That is to say, my right to challenge the actions of the Government or the executive in a court of law is circumscribed and manacled in this manner. What I want is to make it read as follows:

"Any order passed or action taken under section 4 may be called in question in any court . . .

Now, if the Government is not afraid of its own courts of law, the citizens should be giventhe right to challenge. I am not going anywhere else. I am going to challenge in the court of law, a court established under the Constitution, and therefore they should accept it. Well, Mr. Sapru is not here. Sir, here my right as a citizen of India to challenge the actions of the Government in a co«rt of law is extremely limited and restricted. Why it should be so, I cannot understand. I need not say much because I will say a word about my last amendment. This should be accepted.

[Shri Bhupesh Gupta.] Now, as regards the second part of it, which says:

" ..... otherwise than in accor dance with the provisions of this section."

it should be replaced by:

" ..... except by person or persons aggrieved" by *such,* order or action",

at least giving the person, who is aggrieved by such action, the right to challenge it in a court of law. This is very reasonable. It should seem reasonable to anybody. I do not know why Mr. Datar brushes aside this demand. I know it is because he has a majority in this House. Because they have a majority, is that the reason that it should be thrown to the winds? Still this thing should be recorded, and I ask the House not to limit the rights of the citizen to go to the court of law when he feels that he has been unjustly treated and aggrieved, when he wants to challenge a law, when he gets implicated in this manner.

SHRI B. N. DATAR: Sir, the person affected by any orders under clause 4 has a right of application in revision under clause 5. Therefore, Sir, it would not be necessary for him, much less for others to go on re-agitating the matter in other courts.

MR. DEPUTY CHAIRMAN: The question is:

19. "That at tfage 3 —

(i) in line 21, for the words 'No order' the words 'Any order' and for the word 'shall' the word 'may' be substituted; and

(ii) in lines 22-23, the words 'otherwise than in accordance with the provisions of this section' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

20. "That at page 3, lines 22-23, for the words 'otherwise than in accordance with the provisions of this section' the words 'except by person or persons aggrieved by such order or action' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 5 stand" part of the Bill."

The motion was adopted.

Clause 5 *was added to the Bill.*

New Clause 6

SHRI BHUPESH GUPTA: Sir, I move:—

21. "That at page 3, after line 23, the following new clause be insert ed, namely:—

'6. The Central Government shall place before both Houses of Parliament for consideration a quarterly report on the working of this Act including such information as the Chairman of the Council of States and the Speaker of the House of the People at their own instance or at the request of the Members, may ask for from time to time.' "

(The amendment also stood in the name *oj Dr. A, Subba Rao.)*

Sir, this is the last of my amendments. All that I say here is that the Central Government should place a report about the worlcing of the Act quarterly, because I said *in* my amendment that it should be a measure for three months. Now they are going to make it permanent. Therefore, they should tell Parliament how the law is being worked. We have this thing in the case of the Preventive Detention Act after much agitation outside and in this House. After powerful submissions we got it. Even the report of the working of the Preventive Detention Act would be placed before the House so that the House

could discuss it. Why should hon. Members be denied this right? Is it not necessary for Members here to exercise vigilance? In the manner in which certain extraordinary legislations are implemented, is it not our duty to look into the matters or to reconcile to a position? Because it is all along directed against one particular party, all the rest of us can go to sleep. What is Parliament for? Parliament is giving extraordinary powers to certain arms of the Government. Now it is the duty of Parliament to see how these things are used. Well, Dr. Kunzru will say—he is coming. He always inspires me to say . . .

DR. H. N. KUNZRU: I am very sorry if I inspired him to continue his speech yesterday.

SHRI BHUPESH GUPTA: He asked why I should be afraid of it since I am not doing such things. Well, it is very difficult for me to say that I am not afraid. I am afraid of it, not because I am doing something bad **but** because I fear the Government officials and ethers will be doing wrong things. I must say one thing here that anti-communism on the part of the Government made them blind over the last ten years. What was happening in Kalimpong when Mr. Patterson and others directed their charge against the Communist Party and communism? It always happens in every country. It is the contemporary experience that it is the imperialists and their agents and reactionaries who get a free arms, as happened in our country. Now it is going to happen. It is a diversionist tactics on the part of the Government, I make bold to say, that this measure, instead of being used against the real culprits, is being used for political purposes and serving the political ends of the Government. This is what I would like to know and anybody would like to know in this House, because some of us may make speeches and the prejudice against our party in. certain quarters, bewildered by some people, will make even reasonable minds blind to the realities oi facts that are there. That is what I am afraid of. Why can we not then get it here at least quarterly, if we so desire? Therefore, this is the amendment that I gave. Well, many may not be Communist—baiters, but some of them on the opposite benches, I say some, not all on the Treasury Benches are becoming so enthusiastic and vociferous and volatile Communist-baiters that even the hon. Member opposite easily joins hands with them. This measure is getting the most enthusiastic support, you have noted, from those people who believe in anti-communism, who are against even certain progressive policies of tne Government.

MR. DEPUTY CHAIRMAN: Do you accept it?

(Wo *reply)*

SHRI BHUPESH GUPTA: The Chairman of the Council of States and the Speaker of the House of the People should direct all the material to be placed before the House.

MR. DEPUTY CHAIRMAN: It is very reasonable. Do you accept it?

SHRI BHUPESH GUPTA: There should be no objection to accepting this amendment. And if he does not accept it, then they not only fear the people but they fear also us here in Parliament. This much I can say.

The question *was* proposed.

SHRI B. N. DATAR: Sir, I oppose the amendment because it is absolutely unnecessary. Whatever Government does or does not do, is always before hon. Members and Parliament and they would have numerous occasions for criticising any acts or omissions of the Government. So there are such occasions.

MR. DEPUTY CHAIRMAN: The question is:

21. "That at page 3, after line 23, the following new clause be inserted, namely: —

[Mr. Deputy Chairman.]

'6. The Central Government shall place before both Houses of Parliament for consideration a quarterly report on the working of this Act including such information as the Chairman of the Council of States and the Speaker of the House of the People, at their own instance or at the request of the Members, may ask for from time to time.' "

The motion was negatived.

Clause 1—*Short title and extents.*

SHRI BHUPESH GUPTA: Sir, I move:

4. "That at page 1, after line 6, the following be inserted, namely:—

'(3) It shall expire on the 31st day of October, 1961.'"

(The amendment *also stood in the name of Dr.* A. *Subba Rao.)*

Sir, actually I wanted to move an amendment to this clause to say that this Act may be called the "Criminal Law Amendment (Political Persecutions) Act" but I was told by the office that I could not . . .

SHRI B. N. DATAR: Where is that?

SHRI BHUPESH GUPTA: I say, I could not and . .

MR. DEPUTY CHAIRMAN: Do not bring in things which are not before the House.

SHRI BHUPESH GUPTA: I agree and, as far as this amendment is concerned, I only request that it may be given additional consideration because of that. Therefore I say, have it up to the 31st of October, say for three months, if you must have it. Come after three months, because the November-December session will be there and we can discuss this thing. I do not think that just after three months, immediately after the 31st October, things would be lost, if you did not have it. I want it to be a temporary measure subject to the review of Parliament from time to time. That is why I want to make it like that. I know they want to make it a permanent law. They have got excuses and pretexts. This Is the way reaction always seeks to pass a permanent measure. They make it a permanent law, put it on the Statute Book and disgrace the law of the country, arming the authorities with extraordinary powers to run amuck among the people. That is the position . So I want to restrict this thing here. Mr. Bhargava will say that he accepts it—the principle of it. You want to commit a crime. I want to limit the period of that crime. You commit it, but do not commit it after the 31st October. I know the logical mind of Mr. Bhargava will accept it. I don't know if they would accept this amendment. Perhaps they would not. Even so, I would press my amendment to such a measure as this. Even if we are alone, I do it. The Communist Party here may be alone as a party or a group, but we know that next to the Congress, our party comes, whatever you may say about us. And we register our protest against this measure at every point. At every point we oppose it, morally and politically and even procedural opposition should be given to such measures, and it should be done in the interests of the country.

The question *was* proposed.

SHRI B. N. DATAR: Sir, I oppose the amendment.

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 1, after line 6, the following be inserted, namely:—

'(3) It shall expire on the 31st day of October, 1961.'"

The mation was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1 stand part of the Bill."

The *motion was adopted.*

Clause 1 *was added to the Bill.*

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

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

"That the Bill be passed." *The question was' proposed.*

SHRI BHUPESH GUPTA: Just a few words only, Sir. You may ask why I get up. I don't want to trouble you, but still I must say that I oppose this motion. You will pass it now and so I can only say how you should behave. The Government has displayed its utter lack of faith in themselves by bringing in this legislation. This measure is conceived in bad faith and produced in bad faith and I fear it will be executed and worked in bad faith. This is all I would say. I would say that such a measure was unnecessary for the country today. But they have decided, for the interests of the party, to have it and they must have their way, because they command a brute majority in Parliament. And somehow, this time they have obtained support from some opposition groups, playing up the anti-Communist prejudice. Let it not be said that this measure is purely for safeguarding territorial integrity and so on. The speeches made on the floor of the House by some hon. Members and toy the Government have made it absolutely clear that this measure is politically designed to attack a particular party in the country and all members of that party and all movements led by that party, all trade union activities and so on. That is quite clear. This is a measure which has been brought forward to terrorise and intimidate the people by playing on prejudices and chauvinistic sentiments of some people. That is quite clear. It is also quite clear that they will attempt to blackmail the people to toe the line in everything and not to have a word of criticism against the Government where even fair criticism is called for, because they will be subjected to terrorism. Here is a measure, I say again, which gives extraordinary powers in the hands of the police officials and the executive over whom Parliament has only notional control and no effective and direct control. Let there be no mistake about it. I know that in the border areas and in other places, this measure will be used for the purpose of oppression and it will be no consolation for us if at that time some hon. Members speak regretfully over this matter. That is what I say. Sir, it will be a shame for us and it will be known to the world that a country like India which is developing its parliamentary institutions and systems and which is led by such a personality as Shri Jawaharlal Nehru who is at the head of the Government, should require a measure like those formulated and promulgated in Pakistan in the terrorist regimes of Iskander Mirza, Ayub Khan and those who preceded them. It will be a profound shame for everybody. This is what I say. Today you may pass it. You hav© passed it, almost. I know it for a fact. And I know how it will be used.. What about the moral prestige of the Government? Its ego will be satisfied, but the moral prestige of the Government will suffer seriously because of this measure. It will suffer tomorrow, if not today, because history will one day judge of such measures and the people will judge by how it is worked. The working of this measure will disclose the mischief and the bad faith underlying the whole scheme of things. I do not want to say anything more. I oppose it. Why? I know a hornet's nest will be created about what I say. But at the same time I felt that the Communist Party should have the courage to get up here on the floor oi the House and before the bar of public opinion to condemn what it feels to be wrong and to assert what it thinks to be right and that is what I am doing here. I know if the audience were merely what I see here, I would not have wasted the time of the House. But outside there is a greater audience, and a greater parliament, the public of India will judge of things and they shall judge it at the time of the general elections. The

[Shri Bhupesh Gupta.1 P.SP. may say so many things and level so many charges against us. I may tell them that all their attacks have led to such a result that that Party is getting wound up in the country and the Communist Party is gaining strength day by day. Traitors do not grow in a glorious and noble country. It is an insult to the people to call the Communists traitors, when that party is gaining strength everyday. It is a serious thing in the scheme of things that a major party like the Communist Party of India which is in Parliament should thus be abused, attacked, insulted and sought to be called "traitor" ,by people who need not tell us what patriotism is. Patriotism is not cosmetics of fashionable ladies to be displayed about and used here in Parliament. Patriotism is something to be seen and shown among the people, the workers, the peasants, the intellectuals, the middle-class and small tradesmen. How is it, even when you call us such names, the Communist Party is redubl-ing its strength and going ahead to gain the support of the people? Have all the people become traitor lovers? They need not call us that. I don't call the Congress Party traitors. I call them a party of what it is. I do not call anybody that way. Individuals may be. Individuals may be; but they talk in that language. Our friends of the P.S.P. said, "Mr. Bhupesh Gupta and his agents". Let them know this.

MR. DEPUTY CHAIRMAN: Do not bring in other parties.

(Interruption)

SHRI BHUPESH GUPTA: The P.S.P. has been practically liquidating itself because of its anti-communism. I wish them good luck. Let them go on indulging in their anti-communism but they shall be wiped out from other States also. I throw this challenge on the floor of the House that at least in one State, the State from which I come, the P.S.P. will be paid dividends and interest in the next General Elections. Take it from me.

I think the time has come to stop this chauvinistic, jingo, anti-communist, propaganda. I wish you would stop this. You may disagree with me and I may disagree with you. When the Prime Minister said something in the United Nations and called the China issue a "controversy", he was attacked by the Right in the country; the Swatantra Party and the P.S.P. They asked as to why the Prime Minister had not called it aggression. Now ycu are feeding the very forces which direct their attack even against the Prime Minister. I would ask Shri Lal Bahadur to ponder over the course of action that he has taken. Whatever may be his intention if this course is pursued, whatever the intention oi well-meaning Congressmen may be, it will only strengthen the forces of internal reaction that we all want to curb and put them in their proper places.

I am very sorry that I have to speak and I am sorrier still that our Parliament today, after thirteen years of in-dependence, have to pass such a measure to tell the world that unless this measure, this precious little thing, is passed, Indian independence is not going to be defended, national existence will be in jeopardy. I have greater faith in our independence and national existence, and I know that all people of all parties, progressive and patriotic-minded people, will cherish it, defend it and protect it. Therefore, I have no lack of faith but it is they who display lack of faith I have no doubt about it. It is a matter of deep sorrow, and I was very sorry when others, because of anti-communism, supported this measure. I do not wish to say anything; many people spoke. I have no quarrel with them. Many well-meaning people from the opposite side, people who take a progressive stand in other matters, spoke rather strongly against us. I do not quarrel over that. I judge them as a whole. Although I may disagree with them in certain matters and they may disagree with me in regard to certain others, broadly speaking, on

foreign policy, in the matter of how th'» country should behave in the world, there i; a va3t moasure of agreement. The field of agrteme.it is far greater than th«> field of disagreement. It is the area of agreement wliich is wider thai the field of disagreement. I draw inspiration and strength from that.

I only want to submit this thing to the Government. Let Shri Lal Bahadur, even if he has not accepted any of our amendments, see that this measure is not abused by the police and other officers of the Government. He should see that his party men and others do not take recourse to this measure with a view to grinding a political axe against the Communist Party. He should see that this measure does not become ammunition in the hands of the right reaction who may attack us today but will surely attack, as surely as the sun rises in the east, all progressive elements in the Congress and even the Government whenever it takes a progressive step. That is all I wish to say in regard to this.

DR. H. N. KUNZRU: I should like to say a word before Shri Datar speaks. Whatever effort may be made to misrepresent the character of this Bill, it is as clear as the noon day sun that it is meant to deal only with treacherous activities. Honest, law-abiding men have nothing to fear but the treacherous have good reason to be afraid of it, and I trust that such people will be dealt with without the slightest tenderness by the Government and the courts. I, therefore, welcome the Bill and give it my hearty support.

SHRI B. N. DATAR: Sir, it is not necessary to reply to Shri Bhupesh Gupta's speech cast in the usual stereotyped and propagandist spirit. Mr. Bhupesh Gupta, as hon. Members are aware, is always a false prophet. Every time a Bill is passed, at the time of the third reading, when he did not like the Bill, he prophesied that the whole thing would burst out and that Government would become extremely unpopular. Nothing has happened till *now* and my hon. friend has spoken in the same strain even today. It is marked also by despair, if not by desperation as well. It ia entirely open to the members of his party to act properly and not invite the jurisdiction of such a measure, which, as my hon. friend, Dr. Kunzru, has pointed out, is an absolutely necessary and welcome one conceived of in the interests of the nation.

May I assure Dr. Kunzru that whatever action is necessary will always be taken in the interests of India and for protecting the territorial borders of India?

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed." The

motion was adopted.

MESSAGES FROM THE LOK SABHA

I. THE COAL MINES (CONSERVATION AND SAFTY AMENDMENT BILL, 1961

II. THE DELHI (URBAN AREAS) TENANTS' RELIEF BILL, 1961.

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

I

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Coal Mines (Conservation and Safety) Amendment Bill, 1961, as passed by Lok Sabha at its sitting held on the 3rd May, 1961."

II

"In accordance with the provisions of Rule 96 of the Rules of Procedure