

[Shri Bhupesh Gupta.] allegation which is not true according to you, but at least, you give us a promise that you would do it. Now, suddenly, a statement is made here. I could hear the tapping. Yesterday, I did not hear it. Now, it is no longer there. At least I am in a position to talk over telephone. Sir, therefore, I would again beg of the House, as a responsible Member of the House, let him cause an enquiry to be held and then you come to a conclusion. It is very difficult for me to prove it, I know. But I leave it to the House. I am conscious of the judgment of the Chairman to deal with this matter because I know for certain that the telephones are being tapped.

MR. CHAIRMAN (*To Shri Govind Ballabh Pant*): Have you anything to say?

SHRI GOVIND BALLABH PANT: No telephone can be tapped except with the approval or under the directions of certain authorities. We have made ample enquiries from all the sources and we are assured that the telephone has not been tapped. I cannot see any occasion for an enquiry. If any such tapping had been done, I would have readily accepted it and put a stop to the practice. But no such tapping can be done, as I said, without attracting the notice of the authorities. Mr. Bhupesh Gupta never before sent any complaint to me that his phone was being tapped by any of the authorities. He made a statement here and I have referred to the best authorities who could throw light on the question. I do not see what more could be done.

SHRI BHUPESH GUPTA: May I know which is the authority?

MR. CHAIRMAN: He says that no telephone can be tapped without the authority of either the Central Government or the State Government or the authorities authorised for the purpose. He has made enquiries of

the Central Government, the State Governments and the authorities who were empowered to do that and all the three have disclaimed that they issued any such order to tap your telephone.

SHRI BHUPESH GUPTA: I do not accept it. That is the point at issue. I accuse the Government of denying the charge. I want an enquiry. That is the point at issue.

MR. CHAIRMAN: All right.

**THE PREVENTIVE DETENTION
(CONTINUANCE) BILL, 1957—
continued**

SHRI SONUSING DHANSING PATIL (Bombay): Mr. Chairman, nobody should judge the democratic process of criticism when such laws are before Parliament. The question before this august House is not to judge the propriety or otherwise of these laws; it is only the extension of the old laws. The Preventive Detention Act has been fully discussed as many as three times in both Houses of Parliament and it has been agreed to. Now, the question arises whether the situation in the country as such warrants the extension of these laws. I have heard with a lot of interest the criticism which is levelled by the Leader of the Opposition. I need not emphasise the various aspects of individual liberty which is enjoyed in the country where from my hon. friend draws inspiration and where he has got his spiritual home.

Sir, the Preventive Detention Act in this land is only baby talk and if I merely refer to certain quotations which are cited in the Eastern Economist on this point, the House will benefit. It is with reference to the Communist countries:

"But the Indian Preventive Detention Act is baby talk compared with the measures authorised

against hostile in the 'Communist' countries. First, the life of our Act is limited and must be reviewed periodically in parliament amidst nation-wide discussion and publicity focussed on its working. If some Indian citizen were detained under a genuine error, his friends would have little difficulty in organising such a public outcry that his release would be certain. Secondly, out of India's 400,000,000 population, at most a few hundreds are likely to find themselves detained without trial. Thirdly, our Act makes no provision for forced labour camps in the Damodar Valley or elsewhere, and anybody who got up in parliament and suggested that our Act offers a useful weapon whereby millions could be turned into slave labourers in order to ensure the success of our Five-Year Plan would be greeted with shouts of incredulous laughter."

This only makes it clear that, the Preventive Detention Act in our country is only a baby talk.

MR. BHUPESH GUPTA: Sir . . .

MR. CHAIRMAN: He was never interrupted in his very powerful speech which he made; but he wishes to interrupt others. Very bad example.

SHRI SONUSING DHANSING PATIL: Sir, the Leader of the Opposition laid much emphasis on liberty and specially, the personal liberty of the individual. Sir, everybody in this House will certainly respect liberty, but not the wanton licence to act as one pleases. Even the framers of the Constitution have circumscribed the limits of a citizen when they say in the Preamble "Liberty of thought, expression, belief, faith and worship." Has my hon. friend quoted a single instance to show that the use of the Preventive Detention Act was with reference to the liberty of thought, expression, belief, faith or worship? I give him a challenge on this point

whether there was any detention on this account. If not, it only speaks of the judicious, cautious and moderate use of the Preventive Detention Act. We know the fate of Beria, how he was buried alive and how he was liquidated in the communist country. Sir, I need not give more instances of this kind. But we know what is the personal liberty enjoyed in outside countries where there is no right even to go on strike, where even one day's absence is penalised by three months, and where even a small dereliction of duty is visited with very serious penal offences. These are the laws there. Now these curious champions of democracy in this twentieth century under the name of people's democracy try to marshal arguments in favour of personal liberty. They should search their hearts and find out whether such a degree of individual liberty is enjoyed in any other country. Sir, instances of other countries are quoted to show that such laws are not there on their Statute Books. But, Sir, the analogies of other countries are hardly applicable in this country. If we take a country like England, we will find that there the traditions of democracy have been successfully working for nearly 500 to 600 years and there is complete respect for law and individual liberty, and also there is a loyal and willing co-operation in the matter of laws. And such a country's laws cannot be compared with the laws in this country where we see an open and organised defiance of the laws. Sir, my friend has quoted the instance of Maharashtra. But has he ever taken into consideration the orgy of violence that shook the great city of Bombay after the Reorganisation Act was passed by both the Houses of Parliament? If this is their respect for law, I do not know how this young democracy in this country will survive. It is a democracy which safeguards the various liberties of the people who peacefully enjoy those liberties. Sir, as one of the speakers last time said,

this is just like a surgeon's knife which cuts to cure and hurts to heal

[Shri Sonusing Dhansing Patil.] and such is the purpose of this Act. If peaceful citizens in this country really want to enjoy their personal liberty, there is no bar. But this measure is only meant for those trouble-fomenters and agitators who resort to organised violence and where it is impossible to get evidence and where people are overawed and intimidated, and where a group of people work against the whole society. This is meant only for dacoits and antisocial elements whose activities have got to be checked by the Preventive Detention Act. It is a sort of curative measure. It has got a sort of psychological effect. It has got a restraining effect and also a purifying effect. It is to check the menace of anti-social elements which are rampant in our country.

Sir, I tried to analyse the various provisions and I also tried to analyse the arguments that were advanced by my learned friend opposite. He is a Barrister himself. But loud protestations do not prove the fact. That is not evidence. Howsoever much he may loudly assert that the provisions of this Bill are used in an improper manner, he has not cited any instances where the misuse of this power has been vividly pointed out. And when, Sir, there are some legitimate reasons for the operation of the provisions of this Act, then we cannot in any way say that it is an encroachment on the personal liberty of an individual. Even personal liberty is circumscribed by article 21 of the Constitution where it has been very clearly laid down that a person has got personal liberty and he cannot be deprived of it except by the procedure established by law. Sir, Parliament has already enacted this law, and article 22 says that even if there are peaceful conditions—there may not be any emergency like a war or a civil war—the liberty of the peaceful citizens has got to be protected. The framers of the Constitution have very wisely made that provision. That liberty has to be protect-

ed from the inroads by a few agitators.

Sir, I may even make a reference to the function of a legislator in a communist country. He is not a legislator. But he is only an agitator for the party in Parliament. That is the role he plays. He is not answerable to the masses or the constituents whom he represents.

SHRI BHUPESH GUPTA: But he is never a permit-holder.

SHRI SONUSING DHANSING PATIL: There is no opposition party there. Only one group is there. And when there is a one-party rule, Sir, the very idea of democracy is negated. It is incompatible with the proletarian dictatorship for which my hon. friend has got so much love. (Interruption..) He is now championing the cause of personal liberty and unrestricted liberty. Sir, even the idea of citizenship is restricted. A citizen means a person who has got faith and who can abide by the laws of the country, by discipline and by a certain course of conduct which is considered as decent, and not allow himself to be mixed up with agitators or trouble-fomenters.

Sir, he referred to the case of Maharashtra, the bilingual Bombay State, and he said that the people's liberty was suppressed. I have to tell him as one coming from that State that it was a democratic decision taken by an overwhelming majority in Parliament, comprising all sections except the Communists who have no faith in the linguistic formation of States, because their theory is that every linguistic unit is a sort of separate nation. Sir, do they want to divide this country into several nations? When they bear allegiance to somebody else, how can they see things properly here and how can they be the champions of our masses here? They may have had a few successes here and (h-- hut these

were all born out of agitation, because agitation has got some temporary effect. But that should be no temptation to say that the Preventive Detention Act is a black law and an undemocratic law. Sir, that is the stock phrase which is generally used. But, Sir, there are several safeguards as have been pointed out by the hon. Mover of the Bill. There is the Advisory Board which of course the Opposition calls to be a farce and a mockery. But it is a judicial tribunal, it is an independent body consisting of eminent persons who are entitled to be High Court Judges and their decision is going to be final. Then there are other facilities. Representations can be drafted by lawyers, although there is no representation actually by the lawyers before the Advisory Board. The term of detention is limited. He has got several facilities. Ultimately there is the right of appeal to the Supreme Court by way of *Habeas Corpus* writ.

These are all the safeguards for safeguarding the liberty of a person. It is no use saying that the personal liberty is curbed. It is only curbed when there is open defiance, when there is violence which results in anti-social activities. Then these elements certainly need to be checked. .

As far as Fundamental Rights are concerned, they cannot be isolated from their context. We cannot resort to abstract Fundamental Rights. The Fundamental Rights as regards liberty are to be available or to be considered in the context of things. One cannot have the fundamental right to organise defiance, deliberate defiance to 'the lawful authority. One cannot have the freedom to organise agitation which leads to riot, to firing and to shooting and then demand a judicial enquiry. If that is the trouble, then the ordinary law cannot help the Government or the administration. What is the scope of ordinary law? A legal person or a barrister who is well grounded in law knows the limitation of Chapter cases running from section 106 to 112

of the Criminal Procedure Code. There only the security is demanded and that is not effective. A person is to be given the hearing, a judicial trial where evidence is recorded. It is a dilatory process and those who have the experience of practising in the Courts or handling Chapter cases know how much time the cases take. It is a dilatory process . . .

MR. CHAIRMAN: It is time.

SHRI SONUSING DHANSING PATIL: It is infructuous. So the ordinary law, even section 144 of the Criminal Procedure Code, has got certain limitations. That cannot work throughout the country when the situation is such, when the situation is serious, in times of our difficulties, when the times are critical, when troubles in the country are fomented by several communal, regional, parochial and other considerations, when the country is such a vast one. We cannot compare this country with England or even U. S. A. Those who care to know the laws of these countries will find that they have got unwritten Constitution. U. K. has unwritten Constitution. Even U. S. has got a Constitution which is very small but our Constitution is a living document, a dynamic thing, a growing thing which gives sufficient guarantees in all possible manners. If that Constitution is to be preserved—and the hon. Member has taken oath of allegiance to the Constitution that he will abide by it—if that Constitution provides all that—preventive detention measures—then there should not be unnecessary stress on the Fundamental Rights and they cannot be isolated from the context.

I would very specifically emphasise here the need of such an Act because I am one of those persons who honestly feel that—though I need not agree on all points—so long as the Government is not assured of the political situation, of the social development programmes, of the execution of the Five Year Plans and the several other important matters before the country

[Shri Sonusing Dhansing Patil.] where we are in an era of construction, the Government will have to preserve peace and order, tranquillity and the liberty of the masses. That is needed for the reconstruction of this country and if that peace is disturbed in the country by undesirable or anti-social elements, there is need for such an Act. I am one of those who do not share the apologetic attitude of the Government when they come out with such a Bill. It is a necessity of the day and it may remain on the Statute Book. There are several people who hold this view honestly that for the preservation of the infant democracy in this country, the Preventive Detention Act is a necessary piece of legislation which may be put some time permanently on the Statute Book.

SHRI H. N. KUNZRU (Uttar Pradesh) : Mr. Chairman, the Home Minister presented the Government's case with great skill yesterday but I cannot say that the case was impressive. Anyone who compares the situation today with what it was when the Preventive Detention Act was first passed, will admit that the situation is vastly different from what it was then. Even the Government will admit that it has changed immensely for the better. Is it necessary, is it desirable to continue the law that was passed in totally different conditions 8 years ago in existence? That is the simple question that we have to consider.

The Home Minister has cleverly tried to make hon. Members feel that the matter before them is not at all serious. He said that he was not asking the Legislature to pass a new law. He was only seeking the continuance of an existing law. Sir, does a wrong become less objectionable because of its being a continuing wrong? The Home Minister knows surely the very serious objection that we have to the detention of persons without trial and still he comes here and says that the matter is a small one, that he is asking only that a law

that is already on the Statute Book should be allowed to remain there for three years more. He further said in the same vein, that is, with a desire to minimise the seriousness of the law, that the Bill before us was based on article 21 of the Constitution. Article 21 of the Constitution says:

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

But it is obvious that what makes the Preventive Detention Act a valid law is not article 21 but article 22 of the Constitution. Article 21 refers only to the procedure but the law that establishes the procedure must itself be valid before effect can be given to it and it is article 22 of the Constitution that makes the Preventive Detention Act valid. The Home Minister cannot, by omitting to refer to article 22 of the Act, make us think that the Bill before us deals with a trumpety matter, that it concerns itself only with the question of procedure. The Bill concerns itself with the most serious matter that can engage our attention here, the freedom of the people.

Again the Home Minister himself has told us that soon after 1951 or 1952, the number of persons detained under the Preventive Detention Act was about 10,000 and that today, that is on the 31st December, it is only 205. This was the number on the 30th September, 1957.

He uses this argument in order to prove that the law has been used with great restraint by Government and that there can, therefore, be no reasonable objection to its continuance. Sir, the other day in England, when complaints were made in Parliament about the tapping of telephones, the whole country took a very serious view of it. There are about 50 million people in England and I do not know in how many cases telephones

were being tapped. But let us suppose that they were being tapped in 200 or 300 or 400 cases. And remember that no one had been affected. Not one person had been detained without trial. And yet, both Parliament and the country felt that there was something very wrong if the telephones of British Subjects could be tapped.

SHRI BHUPESH GUPTA: They have admitted tapping by the authorities.

SHRI H. N. KUNZRU: The Home Minister referred to the Deference of the Realm Act that was passed in England during the war. But you should see that it was during the war that this Act was passed. It was obviously an emergency. There was obviously an emergency then. No objection could be raised on principle, therefore, to the detention of persons without trial at that time. And yet, the conscience of Members of Parliament was uneasy throughout the war because of the detention of persons without trial. Numerous questions were put to the Home Secretary on this point and there were several debates in order to impress Government of the fact that Members of Parliament took a very serious view of the detention of British subjects without trial. But that Act no longer exists.

Our complaint against the government is not that it used the Act, when there was an emergency, but that it is continuing it now and that it wants to keep it permanently on the Statute Book. The fact that the number of detenus is only 205 will not reconcile anybody to the existence of this extraordinary law. Sir, if not 205, even if 50 people were under detention without trial, we should regard it as a serious matter. The view that the Government takes of this amazes one. How can even people who are in authority and who are responsible for the maintenance of law and order take so light a view of matters affecting the liberty of the people?

SHRI J. S. BISHT (Uttar Pradesh): The States can pass a similar law.

SHRI H. D. RAJAH: In September the number was 284 and not 205.

SHRI H. N. KUNZRU: My hon. friend behind me thinks only of the power of the States to pass such laws. I have no doubt about that. They have the power and such a law would* be valid under the Constitution.

SHRI J. S. BISHT: And this is merely a coordinating measure, instead of having different Acts in the States.

SHRI BHUPESH GUPTA: Co-ordinating crimes,

SHRI H. N. KUNZRU: But my point is that such a law should not be used and it should not exist on the Statute Book.

SHRI H. D. RAJAH: Correct.

SHRI H. N. KUNZRU: Such laws, whether passed by the Central Government or by the State Governments, should not continue for a moment longer. Of course, there is no such law passed by any State which is now in existence and it is only one law that we are concerned with. But I submit that there is no reason why this law should be continued.

Let us examine, Sir, the reasons that the Home Minister has given for the continuance of the law. He said the situation in the country was not normal yet.

"The caste system, religious cleavage, disruptive tendencies, efforts at sabotage, smuggling, occasional busts or explosions of bombs and the like have to be taken note of, and we have to see that the minimum necessary must be done in order that the freedom of the vast mass of people living in this country may be protected and they may carry on their vocations smoothly and in an undisturbed manner. That is the only reason why this Bill has been brought before this House."

[Shri H. N., Kunzru.]

Sir, we have all the greatest respect for you. You are an authority on matters connected with Hindu culture. Can you tell us when the cast system is expected to disappear? When religious cleavage will disappear? When disruptive tendencies, and smuggling will disappear? Of course, these have nothing to do with the culture of our country. But you have much more -experience, Sir, of public affairs than any one here. To say that these are reasons justifying the continuance of the law is virtually to tell us that this law should form part of the ordinary law of the land.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): What about explosions and espionage?

SHRI H. N. KUNZRU: My hon. friend perhaps finds it difficult to hear what other people say and that is why he has put this question.

SHRI JASPAT ROY KAPOOR: A rather inconvenient question which must be ignored.

SHRI H. N. KUNZRU: Sir, I do not ignore my question at all. These things happened when the Preventive Detention Act was not in force and they can be dealt with. I ask hon. friends who have closed their minds to new ideas like the hon. Member behind me, to compare the situation now with what it was when the Act was passed.

SHRI JASPAT ROY KAPOOR: Explosions happened only recently in Kashmir.

MR. CHAIRMAN: Order, order.

SHRI H. N. KUNZRU: My hon. friend's memory is very short. Explosions in Kashmir may be recent, but bomb explosions in other parts of the country have been occurring for some years.

SHRI KISHEN CHAND (Andhra Pradesh): Fifty years.

SHRI H. N. KUNZRU: Sir, let us suppose that Sardar Vallabhbhai Patel had to deal in 1950 with the situation that exists now. Does anybody imagine that he would have asked the Legislature to pass a law like the Preventive Detention law?

SHRI M. H. SAMUEL (Andhra Pradesh): Why not?

SHRI H. N. KUNZRU: He would never have come forward with such a measure.

AN. HON. MEMBER: Nobody knows what he would have done.

MR. CHAIRMAN: Order, order.

SHRI H. N. KUNZRU: He would never have done it. I have known him, Sir, and I know his virtues and also his failings.

SHRI BHUPESH GUPTA: But they know his failings better.

SHRI H. N. KUNZRU: I knew and I am morally certain, Sir, that in a situation like that which exists today, he would never have asked the Legislature to pass a law authorising detention without trial.

SHRI T. S. PATTABIRAMAN (Madras): Don't you concede that it is because of this Act that the situation is better?

SHRI H. N. KUNZRU: Sir, if because of this Act the situation is better and it has been better for some years, then the law has served its purpose and it should not be continued any more.

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Now, Sir, if you examine the figures for the last two or three years, you find that the number of people in detention has been about 200 or 190, something like that. You cannot, Sir, in a situation like this, continue this Bill.

There is one other matter of a general kind that I should like to refer to before I deal specifically with

the figures that have been supplied to us. There is a campaign going on in the Punjab in connection with the linguistic question there. Now, Sir, I am not in favour of the agitation. I am not a supporter of the agitation, that is going on there but really, is the preventive detention law to be applied to the people who are connected with this agitation? It is natural for administrators to seek a shortcut to the maintenance of law and order but, Sir, it is the business of Parliament to look at important questions in a proper perspective and to decide whether even the control of the Hindi agitation in the Punjab is not less important than the fundamental question of the liberty of the subject which we have been cherishing for decades upon decades. I think, Sir, that to use the Preventive Detention Act to detain persons connected with the Hindi agitation in the Punjab is to misuse the law.

SARDAR RAGHBIR SINGH PANJHAZARI (Punjab): No, Sir.

SHRI H. N. KUNZRU: Now, Sir, I shall take the figures that have been placed before us of persons detained without trial. I shall take only the figures relating to the number of persons detained during the period from the 1st November 1956 to the 30th September, 1957. Sir, excluding 141 persons who were already in detention on the 31st October 1956, 292 persons were arrested.

SARDAR RAGHBIR SINGH PANJHAZARI: There was no (Hindi agitation in 1956, Sir.

SHRI H. N. KUNZRU: Let me repeat that excluding 141 persons who were already in detention on the 31st October, 1956, 292 persons were detained during the period mentioned by me under the Preventive Detention Act. Now, Sir, of these, 91 persons were detained for goondaism. I had occasion last year to draw the attention of the House to the use of the Preventive Detention Act to deal with this class of persons, peo-

ple called goondas. Surely, goondas existed in this country long before the Preventive Detention Act was passed and they were dealt with generally under the law.

[MR. DEPUTY CHAIRMAN in the Chair.]

In some places when the menace became serious, special laws were passed in order to enable the police, in the special situation that existed, to deal with the particular class of persons. Then, Sir, as a result of the review of detention cases during the same period, 56 persons were released in accordance with the recommendations of the advisory boards and two persons were released by the High Court and Supreme Court. That means, in all 58 persons were released. Taking the two together, 91 goondas and 58 persons released for various persons, 147 persons out of 292, that is nearly 50 per cent, of those detained, were persons who should never have been arrested under this law. If I had the time, I could deal with the figures relating to previous periods too but it is not necessary to refer to them. I say Sir, that taking the situation in the country into consideration, taking into account the other facts that I have placed before the House, there is no reason whatsoever for the continuance of the Preventive Detention Act which has caused so much dissatisfaction to those who attach much more importance to questions of liberty than the Government seems to do. I am, therefore, unable to agree with the Home Minister and to acquiesce in any shape or form in the view taken by him regarding the desirability of continuing the Preventive Detention Act on the Statute Book.

SHRI TAJAMUL HUSAIN (Bihar): Mr. Deputy Chairman, there cannot be the least doubt that at the present moment some of us have completely forgotten our ancient culture. Not even that, Sir, we have completely forgotten everything that was good in us. I am afraid, Sir, we are driv-

[Shri Tajamul Husain.] ing in the wrong direction and behaving not like civilised people but like uncultured and uncivilised people. The conditions of some of us in India at the present time is very deplorable and far from satisfactory.

SHRI KISHEN CHAND: They are very sweeping remarks.

SHRI TAJAMUL HUSAIN: We get agitated very easily. With the slightest thing our mind is agitated, whether it is a question of the States Keorganisation or the language question or any other question which we do not like. We get excited in such circumstances and we start breaking each others head. I think, Sir, we have no discipline. In the railways, I have found that generally the pulling of chains is going on everyday. When the train stop9, the Guard comes inside the compartment to find out but . . .

SHRI BHUPESH GUPTA: Just like the wire-pulling in the Congress Party.

SHRI TAJAMUL HUSAIN: I do not know what the interruption means. He has had his say; let me have my say. I am not in favour of the Indian Communists. If I were in the Government, I will arrest all the Indian Communists and put them in jail. That point, therefore, does not arise at the present time. Let me finish my say.

SHRI BHUPESH GUPTA: But before the hon. Member reaches that stage, he will be in Ranchi.

SHRI KISHEN CHAND: Agra hospital is nearer.

SHRI TAJAMUL HUSAIN: I was isaying about chain pulling. Take the case of an attempt at buying a ticket. I have had experience of buying tickets for my servant. You cannot buy third class tickets. Everybody wants to buy at the same time. Everybody wants to get into the com-

partments at the same time and get out of the compartments at the same time. I do not know whether you have got personal experience of travelling in a steamer or not, but I have. I come from the State of Bihar and I have to cross the river. Everybody tries to get into the steamer at the same time and get out of the steamer at the same time. The result is that sometimes you find the steamer tilting and going this way and that way.

SHRI ABHIMANYU RATH (Orissa): The Education Minister may be requested to open a discipline school there.

SHRI TAJAMUL HUSAIN: The Preventive Detention Act is to make you civilised. You are not civilised. The Opposition is not civilised at present.

SHRI ABHIMANYU RATH: You are one of us. You are also not civilised?

SHRI TAJAMUL HUSAIN: No, we are not one of you. You are on the Opposition.

SHRI BHUPESH GUPTA: On a point of order, Sir. Is it parliamentary to say that one Member of the House is not civilised. Therefore you please ask him to withdraw the remark.

SHRI TAJAMUL HUSAIN: I have not mentioned about one individual. I am talking about the whole group, against the Opposition. That is all.

SHRI H. D. RAJAH: Is it proper to call each other barbarous? He should know it. He used the word with regard to an hon. Member that he was not civilised.

MR. DEPUTY CHAIRMAN: Well, I shall find out what is the language used?

SHRI TAJAMUL HUSAIN :I have not used it against any individual Member.

DR. R. P. DUBE (Madhya Pradesh) : There is a great deal of corn-motion in the House and this justifies the continuance of the Preventive Detention Act.

SHRI H. N. KUNZRU: I remember the hon. Member behind me say that. What he meant was that the Opposition was not civilised. Is that right?

SHRI KISHEN CHAND: We want a ruling from you.

MR. DEPUTY CHAIRMAN: I will find out. If it is unparliamentary I would ask him to withdraw.

SHRI BHUPESH GUPTA: And expunge it.

SHRI TAJAMUL HUSAIN: If tWe is any unparliamentary expression you will point it out, Sir, and I will withdraw immediately.

MR. DEPUTY CHAIRMAN: Please do not use offensive language, Mr. Tajamul Husain.

SHRI TAJAMUL HUSAIN: I was provoked by the Opposition.,

MR. DEPUTY CHAIRMAN: If it is unparliamentary you please withdraw it.

SHRI TAJAMUL HUSAIN: Yes, yes. I do not know what I said. There is so much confusion in the House. But if I said anything which is unparliamentary it is withdrawn herebyv

MR. DEPUTY CHAIRMAN (looking at the opposition): You must also avoid using such expressions.

SHRI BHUPESH GUPTA: That is not the right time to tell us this thing. When we do it you can say. You want to equate now. We never use such expressions. We never call them uncivilised. We know of other Expressions which are parliamentary. We have plenty of vocabulary. Let him learn parliamentary expressions before he comes.

MR. DEPUTY CHAIRMAN: You also observe the same parliamentary etiquette.

SHRI TAJAMUL HUSAIN: Now, Sir, I was talking about discipline. You know, Sir, that the whole student community of India has become indis-ci-plined. About two or three years ago in my State of Bihar, at Patna, some students were travelling in a bus and there was some altercation between the students and the conductor. The result was that the bus was burnt. There was looting, arson and everything. A high-powered Commission consisting of the Chief Justice was asked to go into the matter. He declared that there had been indiscipline among the students. The future of our country lies in the hands of our students and depends on how they behave.

(*Interruptions.*)

MR. DEPUTY CHAIRMAN: Please do not interrupt, Mr. Rath, unless the other Member yields. Nobody can stand up and speak unless the other Member yields. Please go on.

SHRI TAJAMUL HUSAIN: Now, Sir, during the British days I used to go to cinemas. As a matter of fact we all used to go to cinemas. At the end of show the national flag of Britain, the Union Jack, was shown and everybody stood to attention.

MR. DEPUTY CHAIRMAN: We are concerned with the Preventive Detention Act.

SHRI TAJAMUL HUSAIN: Yes, Sir, and I am telling you just now how that reference is needed. You will find, Sir, that what I am saying is perfectly relevant. After the British left, i.e., after the country attained independence, I went to see cinemas in Delhi. Then our own national flag was shown at the end of the show but nobody stood to attention. This is the state of discipline, Sir.

I shall be brief in my remarks. Now bribery, corruption dacoity, arson, murder, loot, all these things are unfortunately rampant in our country at present.,

SHRI KISHEN CHAND: YOU are passing a judgment on the whole country. You must maintain the dignity of our country at least.

SHRI TAJAMUL HUSAIN: I say, some of our countrymen, not at all of us; why is he interrupting me? He cannot interrupt me, Sir, and if I say something he says I am abusing them in unparliamentary language.

MR. DEPUTY CHAIRMAN: Ignore the interruption.

SHRI TAJAMUL HUSAIN: I see, Sir, that some of us have lost our national character and moral character. If an American shows disrespect to his flag, he is called a traitor and not an American citizen. He is lynched by the people and put in jail. An Englishman who does not respect his national flag is treated as a traitor. He ceases to be an English national; he is shot dead. But what about us? There are some of us who do not respect our national flag. Still we are not treated as non-Indian nationals; we are not treated as traitors.. We are not lynched and not shot dead. The question is what are our Government going to do? Are they to sit tight and see the country go to dogs? If they do, Sir, there will be chaos and anarchy in the country, and I am convinced about it. Government brought this measure some years ago for a short period hoping that during that period the condition of the country will improve. But they were sadly disappointed. Again they had to come to Parliament for an extension. Again it was extended and again at the end of that period they were disappointed in the improvement that they expected. Again the Home Minister had to come for an extension and the period was extended. Now they have come for an extension of the life of this Act and that for only three years. I personally have great doubts. I doubt if they would succeed in three years. My complaint against the Government is that they are very lenient. I think this Bill should be made into a perma-

nent Act or at least till the condition of the country improves. If the condition improves there will be no need of this Bill, no need of this Act. I would go a step further, Sir. I would suggest that Government should not detain any persons without trial, but they should be permanently detained, not for a short period, permanently detained without trial. Then and then only the country will improve. Government are not going to detain everybody. They are not going to detain the majority and they cannot detain the majority, but a small handful of people who are creating mischief in the country. What is wrong there? Then why should people be against this Bill? It does not go against peaceful citizens. It goes against only those people who are actually the traitors in the country. Detain them permanently without trial or shoot them dead and finish with them, and then you will see that the country will improve. Unless you rule with an iron hand the country will never improve.

SHRI BHUPESH GUPTA: Now you can see what kind of stuff the Congress Party contains.

SHRI TAJAMUL HUSAIN: Look at the condition of European countries which are considered civilised, and they are civilised no doubt. The condition of England during the middle ages was worse than the condition in this country. Government used to burn traitors alive. All sorts of things used to happen. What is the result now? Wonderful democracy there and it is because of the iron rule in the beginning. Take the case of France. The French Kings, notably Louis XIV, used to rule with an iron hand and rule as they liked.. They used to send just one letter to arrest and put a man in jail permanently. Before Napoleon came to France the condition of France was worse than the condition of India now. Bribery, corruption, everything was going on.. There was no national or moral character left in the people. He was at the head of the Government either as

First Consul or Emperor for about twenty-five years and during that period he ruled with an iron hand. The result was that when he left, his country became perfectly civilised land there was no need for any such Act. (*Time bell rings.*) So, these things have happened and the result of the happening of such things in other countries is that those countries have become civilized. Now, they are democratic countries. We want our country to be the same. That is why I say that the country must be ruled with a strict hand. Democracy does not mean that you can do anything you like. Democracy means that you can do anything you like provided you do not injure the right of others. But I am afraid some of my friend! on the Opposition, not all of them, believe in violence. They can hurt the feelings of others, injure others. This is not right. I say that we should be thankful to our Government for the small measure. I call it a small measure and we should go on demanding, asking them to bring strict measures so that the country may improve. If you love your country, you must just accept this small measure and ask for more.

SHRI ABHIMANYU RATH: Please go to your constituency with this.

MR. DEPUTY CHAIRMAN: It is time.

SHRI TAJAMUL HUSAIN: I will finish, Sir. When Mr. Bhupesh Gupta takes two hours, why cannot I take two minutes more? This Act is not against any political party. I think that has already been said by the Home Minister. If it had been against any political party, Kerala Government would not have existed now. I will give you one great example. I do not know whether it has been told in the House. In West Bengal there was one staunch Congress supporter of a Congress candidate during the election as against a communist. The Congress supporter of the Congress candidate did something which came under the mischief of this Act and he was detained for one year. 95 RSD—2.

year. Can any Communist Member say now that it is against any political party? In conclusion—you want me to stop—I say this is a preventive measure. Preventive is better than cure.

SHRI H. D. RAJAH: I had great admiration, reverence, love and affection for my ex-leader of the Congress party, the present Home Minister, Shri Govind Ballabh Pant. But always it so happens in the world that wrong causes are sponsored by the right people and the right people become wrong when they are in power. Now, the position is very paradoxical. The champions of freedom and democracy, the fighters against imperialism and those who opposed really such cruel methods of oppression of people are today in power and want to perpetuate the same. When the hon. Home Minister, Pandit Pant, was speaking, his mouth spoke but his conscience resisted. His heart was not with the Bill. His feelings on the Bill, I find, is paradoxical, as it may seem that the proletariat dictatorship now champions the cause of individual freedom and becomes the exponent of democracy and the democratic people become the champions of putting individual in prison without trial and wanting to perpetuate that Act for another period of three years. That is the transformation we find. Authoritarianism in a democratic set up is ruling a major portion of our country and democracy in Kerala is now ruling in the name of authority. That is the transformation we are finding today. And with all the paraphernalia and support to this measure, what is it that it has achieved? It has achieved things on the basis of causes which are to be prevented. As my colleague, hon. Kunzru, said, things like communal disturbances, motor buses being reduced to ashes, post offices being set on fire, all these things happen even today which happened when the Congress was in the opposition against the British, and they gave us the lead. Now, if such things happen in the country today, the Preventive Deten-

[Shri H. D. Rajah.] tion Act is not going to save you from that. That Act is intended to put certain mischief mongers, as you say, in the prison, but these things will go on in the country. You have arrested certain people in Kashmir in the anti-Hindi agitation. You have put them under preventive detention, but the agitation is not withdrawn.

MR. DEPUTY CHAIRMAN: You mean Punjab.

SHRI H. D.. RAJAH: What did I say?

MR. DEPUTY CHAIRMAN: You said Kashmir.

SHRI H. D. RAJAH: Even in Kashmir things are going on and there is also a different detention. Now, similar measures are taken in some other areas. But the root cause of these troubles among the people has not been properly tackled by the Government. We shall analyse the causes. If you have got the remedies which will put an end to the causes of these disturbances, that is the method to tackle the problem. I need not repeat the arguments of Shri Bhupesh Gupta or hon. Kunzru, when they say that the individual's liberty is fundamentally assailed by the provisions of this Act., But I ask does this measure cure your ills? If you say that by putting one man out of two millions into prison for a year you have removed the causes of these troubles and difficulties, then I can understand. You have the police and their guns if there are agitations which were referred to by a certain gentleman there. In Bombay you have shot them down. You have got other difficulties where your police come to the rescue and shoot down people. But the preventive detention of an individual whose liberty is curtailed has not come to the rescue of stopping all these things that take place in the country. Therefore, I feel that this Preventive Detention Act is thoroughly unnecessary.

Now, we shall go into the causes and I say that this Bill is mainly political. He has analysed ably that this Bill is mainly political in character. It is aimed at the opponents of the Congress. Now, two instances are enough for me to demonstrate it. Dr. Ram Manohar Lohia was not a dacoit. He is in detention, in the prison, under the Preventive Detention Act. Mr. Muthuramalinga Thevar of south India is in detention, in prison. And you will be surprised to hear that one of the charges against that man was that he carried on propaganda to make India come out of the British Empire. This immediately set me thinking. The Preventive Detention Act is used against a political opponent, because he carried on propaganda in favour of India coming out of the British Empire . . .

SHRI T. S. PATTABIRAMAN: Please complete the sentence.

SHRI H. D. RAJAH: And also as one of the points of reference against him in the charges if this has been included, I wonder whether Nehru and Pant are ruling this country or somebody behind is doing it. I cannot understand that a political campaign can be made a capital of in order to put a man inside the jail, for preventive detention, under such categories. There are, of course, as Shri Patlabi-raman made an intervention, other charges against that man. But the other charges have to be proved in a court of law. Subsequently, I heard that man has been implicated in conspiracies of murder. Well, he has to stand his trial and then he has to come out of it. Then, I ask these people to release him from the preventive detention and ask him to face the trial for conspiracy to murder. That is the proper thing. Now, Sir, there are references both in this House and in the other House to the Ranianathapuram incident. I am not taking sides with anybody. I can tell in this House that there are two versions of that incident. In Madras what happened? One version is when the Congress candidates were routed at

the polls, that insult, that defeat could not be taken lying down by the local Congress bosses. So, what they have been doing? They went about carrying on propaganda, and they said that a severe lesson must be taught to those who did not vote for the Congress candidates. As such they were responsible mainly to make this jissue a political issue and create disturbances in that area. That is one version.

The other version is thait it was solely because there were communal j disturbances in that area, those disturbances must be put down; there were serious riots between the jHari-jans and Mara wars and so on and so forth, and therefore it was communal in character.

Mr. B. N. Datar was good enough to make a visit to the South. iHe is a good man, but what happened' According to some sources he was accompanied by bad men and he himself became bad.

THE MINISTER OF STATE ik THE MINISTRY or HOME AFFAIRS (SHRI B. N. DATAR) : I was accompanied by members of the Opposition themselves.

SHRI H. D. RAJAH: When he went and toured round that area, I would have expected our good friend iDatar to keep his mouth sealed and 3j|ot to air his views till he understood the entire problem from different angles and come to a conclusion, come back to Delhi, discuss it with his other colleagues and friends in the Cabinet, and then issue an authoritative statement. That 'would have been good. People wouicl have expected such a position to bc| very fair and very decent and very proper, but it did not happen. There ' were certain partisan feelings which! were working in the mind and statements were repeated now and then on the spot and elsewhere which cjreated worse confusion than what it was before. .

Now, Sir, let us go into the details j further. Certain incidents took place i

in that area. Immediately the Government of Madras appointed an Enquiry Committee in the name of an officer of civilian rank, Mr. Venkates-waran. He brought out a report. What did it contain? It contained that the statement of the police was untrue. It is the civilian's report. There were no thousand people.

SHRI T. S. PATTABIRAMAN: Sir, on a point of order. Mr. friend is making a wrong reference. I would like him to read it here. He is absolutely wrong in quoting the report.

SHRI H. D. RAJAH: There were no thousand people assembled against the police. There were only 250 to 300 people, and to that extent the police were wrong. 5 people were shot down dead and 3 had bullet wounds on their chests, and according to Mr. Venkateswaran those people were shot at the back. Sir, it is a serious allegation that these five people were blindfolded and their hands were tied to their back. . .

MR. DEPUTY CHAIRMAN: We are not concerned with that report now. You are not reading from the report.

SHRI H. D. RAJAH: If there is anything wrong, you can correct me.

MR. DEPUTY CHAIRMAN: We are not concerned with the report. We are concerned with the Preventive Detention Act. You are not reading from the report.

SHRI H. D. RAJAH: Excuse me, Sir. I know a person who is seriously implicated in that incident. . .

MR. DEPUTY CHAIRMAN: You may refer to that, but not to the report.

SHRI H. D. RAJAH: I accept your ruling. Therefore, when that is the position, I am telling you here that I am not concerned with one version or the other. I am standing for an impartial investigation into these matters. Both these aspects should be

[Shri H. D. Rajah.] known to the House, and so I am telling them without my comment. Therefore it must be accepted.

MR. DEPUTY CHAIRMAN: That is not before the House.

THE PARLIAMENTARY SECRETARY TO THE MINISTER OF INFORMATION AND BROADCASTING (SHRI G. RAJAGOPALAN) : Sir, I have got the report here.. . .

SHRI BHUPESH GUPTA: I do not know personally, but we can certainly refer to a report, to any report we like. We can refer to any report.

MR. DEPUTY CHAIRMAN: If you have got an authentic report, you can refer to it.

SHRI T. S. PATTABIRAMAN: This *is* the printed report. For my friend's information I may say that some of the findings are: "The villagers' version is false. The police party was attacked by a large crowd armed with deadly weapons. The police had to shoot in self-defence with a view to protect their lives. The crowd was not 900 to 1000 strong as mentioned in the evidence of the police witnesses and was probably only about 300 strong. The firing by the police was justified."

SHRI H. D. RAJAH: I only referred to one portion where it was said that the crowd was not 1000 but it was 250 to 300. I am not referring to the other points of the report. My point of view is that it is not so much a question of whether it is a political game played by the Congress Party or it is a spontaneous communal riot that took place. I am not concerned with these aspects, but I am concerned with one issue, namely, that five people were blindfolded, their hands were tied to their backs and they were shot down by the police.

SHRI G. RAJAGOPALAN: Sir, the matter is *sub judice*. There is a case filed. . .

(Interruptions.)

SHRI H. D. RAJAH: I will not yield ground. Let me tell the House that this is not a *sub judice* matter. The report has been published, and what is *sub judice* is the prosecution of certain people for murder.

Now, Sir, I demand in this House in order to safeguard the fair name of the Government of India, in order to see that their fair name is kept up among the people, that an investigation on the basis of a judicial enquiry should be ordered, and we shall arrive at the truth and there will be occasion to discuss the communal situation there.

Pandit Nehru, our revered Prime Minister, recently made a tour in the South and referred to certain incidents. What are those incidents? There incitement to murder is being carried on regularly by a party. Now, Sir, I am totally opposed to the use of the Preventive Detention Act, I have been opposing it consistently, and if freedom and democracy are to have any real value in this country, Government should not take recourse to such obnoxious, black Acts. If it is to be used at all, it is to be against whom? Is there no provision in the law in the country for people to be booked on the charge of incitement to violence? You are not able to remove the stink on your body and you are talking about the order in some other man's system. The stink is the Congress Party of Madras, communally ridden, completely one-sided, wanting to destroy one particular community. If that stink is not removed from the Congress organisation, how long will you continue to have this country as a nation? Community is not the criterion. I am not pleading for a community. You know very well that I am a man who believes in inter-caste marriages. Personally you know very well that I have married somebody outside my caste. I want the abolition of the caste system. If you want to do something by which a nation can be made within a short period, then the caste system must be

abolished. I am one with you in this. I I do not want to give a fillip to or show respect for one community against the other. But what is the method? Are you going to abolish the caste system by killing one set of people? I ask the House, is it going to help the country in any way that the party in power must remain a passive spectator and encourage that kind of agitation?

Sir, there is another important event which should not be forgotten. In Kerala vandalism was committed on an important place of worship by certain people. A report was made on the orders of the Congress party. They had not dared to publish that report. Their followers, the P.S.P., did not dare publish that report. It is the Communist Party which really dared because there is no religion behind them. The only religion for them is Communism. They came out; and published the report. The Hindus, the Christians and the Muslims are there in the Cabinet today. Therefore, Sir, if you want to feel that the nation must develop on a secular basis, you should first of all forget these caste and communal differences. Caste alone is not to blame. Now, will a Mudaliar in Madras give his girl to a Nacker in Madras? Will a Nacker take a Harijan? You please answer me. Then you will agree with me that the propaganda carried on by a particular party in Madras is backed by the Congress Party. Of course Shri Bhupesh Gupta said that the party leader is in alliance with the Chief Minister of Madras. I do not know that.

SHRI T. S. PATTABIRAMAN: Can he substantiate his allegations?

SHRI H. D. RAJAH: I will not go to that extent of making an allegation against your chief, but I can say that the fear entertained by a member of a responsible group here, the Communist leader, must be allayed, and you must come out in this House when you want this Bill to be passed... (Interruptions)

SHRI TAJAMUL HUSAIN: Sir, I rise on a point of order.

SHRI H. D. RAJAH: Therefore, the point at issue...

SHRI TAJAMUL HUSAIN: Sir, I have risen on a point of order. Let him please sit down.

SHRI H. D. RAJAH: I am not yielding.

MR. DEPUTY CHAIRMAN: What is the point of order?

(*Interruptions.*)

SHRI TAJAMUL HUSAIN: The point of order is, when an hon. Member rises on a point of order, can Mr. Rajah remain standing?

MR. DEPUTY CHAIRMAN: There is no point of order.

SHRI H. D. RAJAH: Therefore, I would on all humility entreat that these points must be taken into account.

So, the theory that communalism is rampant in this country and therefore, this Bill is to be put on the Statute Book does not hold water for a minute. Sir, who is in favour of communalism? If I stretch that point, you have made certain provisions for giving special privileges to the Harijans and we all want that suppressed humanity of India not to be suppressed, not to be oppressed, but to be elevated. The elevation of the depressed must be naturally followed by the depression of the elevated. If that theory is going to be applied, let it be applied in a proper way. But every citizen of this country, I tell you, has a fundamental right to exist and not to be murdered by any group of men. The responsibility of the Government of India is paramount. When they realise that and discharge their responsibility, then the country will be grateful to them, not otherwise.

[Shri H. D., Rajah.]

Therefore, this Preventive Detention Act is wrong even from that point of view.

Now, Sir, in the case of liberty and equality, there was a certain reference made with regard to the position in other areas. The point is about France. The hon. Home Minister need not have referred to France when he piloted the Preventive Detention Act in this country. Their entire jurisprudence is different. The method of attacking, by the Government, an accused is different. The burden of proof that he is innocent is on the accused. But here, you have followed the wholesome British practice because of the fact that they were ruling our country. Therefore, the question of the French putting the other, man into prison and his being made to prove that he is innocent does not arise in this country. That is also totally wrong and totally unconnected with the issue before our House.

Sir, when the Bill was brought forward, our hon. Minister, Shri Pant, said that there were scopes given to people to represent before that tribunal their grievances.

(Time bell rings.)

Five more minutes, Sir.

MR. DEPUTY CHAIRMAN: Only two minutes.

SHRI H. D. RAJAH: Five minutes, Sir.

MR. DEPUTY CHAIRMAN: Only two minutes.

SHRI H. D. RAJAH: The salient features of the Preventive Detention Act are the right to the man detained to appear before the tribunal, the right to get charge-sheeted before the tribunal...

AK HON. MEMBER: Advisory Board.

SHRI H. D. RAJAH: ...and the right to show himself that he is innocent. Then there is the right to stay there for one year and also the right to be classified in A Class or B Class and to be given good food in the prison. These are all the privileges that we have conferred upon a man who is put in detention.

SHRI TAJAMAL HUSAIN: That practice should be taken away.

SHRI H. D. RAJAH: These things do not hold water. If you want to put a man in the prison without bringing him to trial immediately, then it is a damaging aspect of your administration. That cannot be done. If goondas are to be taken away, there are various provisions in various States—the Goonda Act and things like that. If you want to put down only the political opponents who have been thoroughly uncomfortable to your existence and your continuance in power, then this Act is necessary for you; otherwise, I do not find any reason for you to continue this Act. I would ask them in all earnestness and seriousness that the Act must be withdrawn.

One more sentence I would utter, Sir. Between Communism and Congress, I do not find any difference more or less except that the Communists have become saner and the Congressmen madder.

SHRI N. RAMAKRISHNA IYER (Madras): Mr. Deputy Chairman, I heard with respect Pandit Kunzru's contribution to this debate. Yet, I am unconvinced that this Act should not have another lease of life. Sir, it may be considered strange and I may be considered to be a reactionary if I categorically state that we should re-think our ideas of preventive detention. We think it is absolutely wrong to have preventive detention. May I say, we almost take it that it offends social ethics? That is why the Home Minister is almost apologetic. What are social ethics? In the ultimate analysis, social ethics are

merely principles of conduct dictated by social conveniences, environ(men-tal) conveniences. If social and environmental conveniences dictate that we should have preventive measures—such crude preventive measures like detention—why should we fight shy of it? In a nascent democracy like ours, if circumstances or emergencies arise which we could tackle more effectively by preventive detention measures than by the process of ordinary law, why should we think that we are offending any moral law? Sir, it is high time that we re-think our ideas of morals and ethics.. They are, after all, circumstanced by conditions and emotions.

Now, Sir, what is the essence of punishment? The essence of punishment is deterrence and deterrence is after all a preventive. We use deterrence as a preventive—a preventive of something happening again. And if by early prevention you could¹ stop something which need not happen again—a continuous orgy of violence or a large scale series of crimes—and if you could prevent it by preventive detention, why should you not take to it, why should not that measure be a permanent thing in the Statute? Let us not be sentimental, Sir. We should set ourselves to circumstances. If absolute regimentation and iron curtain could be ethics—social ethics—in Russia and other places, we could have our own standards of ethics conditioned by our circumstances.

Sir, the opposition to this Bill—to the extension of the life of this Act—is not so much on principles as on its possible use, misuse or abuse. Pandit Kunzru's argument leaves me unconvinced; on the other hand, it merely makes me think that this Preventive Detention Act should have a further lease of life.

Sir, this Preventive Detention Act contemplates action, amongst other things, action with reference to the maintenance of public order; and at the present time we find that in the

name of language, in the name of community and in the name of caste, this public order is being violently disturbed. Now what is the remedy? How can we prevent it? Sir, the Home Minister was kind enough to refer to the incidents in Ramanatha-puram and to the activities in Tamil Nad of Ramaswami Naicker. Mr. Bhupesh Gupta also referred to them, and my friend Mr. Rajah also referred to them. But we have to find out the cause of the whole thing? What is the basis for all these events, and do these events justify the application of this Act?

Sir, in the wake of freedom, if I may be permitted to generalise, there is an awakening amongst the people. There is political and social consciousness, and this consciousness takes the form of asserting one's rights and one's position in life and in society. When this consciousness develops, it reaches a stage of association of individuals, and unfortunately in India, and especially in my part of the country, this association is generally the caste. The caste has a tie of common way of living, of common approach to family affairs, so much so that the individual hardly thinks beyond caste. And therefore good things are done in the name of caste, and bad things are also done. The next circle is language. There is a language tie, a tie which makes man enslaved to circumstances, and he commits atrocities. Now, Sir, what is the duty of leaders in such circumstances? Their duty is not to try to forcefully eliminate caste, not to forcefully abolish caste, because the reaction would be very severe, and perhaps ultimately the caste would get entrenched. The remedy is to try to lead the people to transcend caste. Sir, our revered Prime Minister tries to lead us from nationalism to internationalism. He has suggested the 'Panchsheel'. That is a remedy by which we transcend nationalism and go to internationalism. The real leadership consists in trying to lead the people from mere parochialism and to transmute that emotion into

[Shri N. Ramakrishna Iyer.] something notuer. But what is really done in the country? What was really done in Ramansthapuram? What is it that is realiy being done by Rama-swami Naicker? It is the other way. They try to exploit the emotions of the public. They try to exploit the emotions of the gullible people. They exploit them for their own purposes or for purposes of parties. That is what happened in Ramanathapuram. Sir, ML- Rajah need not have referred to Ramanathapuram as the incidents had already been thrashed out in the Madras Assembly. They had been in the press for more than three or four months. A political veneer was given to those incidents. It was a case of one caste trying to retain its domination over another caste. Of course, other factors do come into play. But mainly it is one caste trying to dominate over another and the other caste trying to throw off its shackles and forge ahead. Therefore there is that inevitable conflict. And what should a leader of a party do? He should try to steer clear of these conflicts and bring about a position of amity between the different communities. Now, Sir, Mr. Rajah today simply wants to have a rehash of the political veneer given to this communal 'clash. The whole thing had appeared in the press and shredded to scraps and Mr. Rajah now comes here with tbo?e scraps and wants to rehabilitate them here. But the essence is that we should try to see that caste does not get as much hold over the masses as it is doing now. And if people try to make use of casteism and try to exploit the gullible people and if they are made to look to their own interests in terms of caste, then naturally this Preventive Detention Act would apply to them fittingly. If Mr. Thevar has been a victim of this Act, I think the Madras Government has done it properly. On the contrary my complaint against the Madras Government has always been that they have not moved in the matter more quickly. it they naa interned Mr. Thevar some

15 days earlier than they did, so many

things could net have happened, and
Mr. Rajah could not have had this
substance for some irrelevant talk
here.

Then, Sir, this Brahmin versus non-Brahmin problem has been there for so many years. It began as a result of the fight for loaves and fishes. Then it developed into not merely a competition—it was unhealthy competition—between caste and caste, but it developed also into hatred between caste and caste. And it had one good effect. It made people go in search of employment in a widespread manner. That was the only good effect it had. Otherwise, the Brahmin and non-Brahmin tussle in the South has had its repercussions on all the castes. And what is the effect of all these things? For instance, take the anti-Brahmin feeling. The other day, Mr. Sivaraj said in the other House that the Government was run by Brahmins and banias. That is symptomatic. That is how people immediately react to anything that happens m the South. So Mr. Ramaswami Naicker, and for that matter the leader of the other party—Dravida Munnetra Kazhagam—used to exploit this antipathy towards Brahmins, an antipathy not in an aggressive way, but in a mild way cr rather by being indifferent to the interests of Brahmins. And what will be the consequences of that anti-pathy? It won't stop there. But it will go further and further. And if the Madras Government had not put Mr. Ramaswami Naicker into jail under the Preventive Detention Act, they may be having their own reasons for that. I am not having a brief for the Madras Government. But when such inflammable things can be perpetrated in the name of caste and when such conflagration can be used by political parties for their own ends, then, Sir, is it not high time that we used the Preventive Detention Act to arrest the progress of such deterioration? Thank you very much for this opportunity allowed to me., Sir.

SHRI TAJAMUL HUSAIN: DO \fe rise for lunch?

MR. DEPUTY CHAIRMAN: The House will sit through the lunch hour. There are still 15 moTe Members to speak So the hon. Members who have given their names should remi|iin in the House.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Can we adjourn for half Ian hour?

MR. DEPUTY CHAIRMAN: No. jWe will continue.

1 P.M.

SHRIMATI YASHODA REDDY (Andhra Pradesh): Mr. Deputy Chairman, yesterday the Leader of the Opposition was waxing eloquent about democracy and liberty. No doubt Injdia is a Sovereign Democratic Republic and India has given herself a Constitution the very basis of which is freedom. Parliament is bound, no doubt, by the Constitution to secure to all¹ its citizens the four cardinal principle^ of justice, liberty, equality and fraternity. Liberty, which is the most cherished principle of all these does not mean only the liberty of individual freedom but liberty of thought, freedom of expression, of belief and so on. It is ltrue that in a country like ours, to have a Preventive Detention Act and to Continue it might look a little bit out of place and it is no doubt very regrettable but we cannot be idealistic. To be idealistic is no doubt good but we have to be a little more practical and a little more realistic and we must understand and be alive to the situation of today. As I was saying, liberty does not, in any case, rmean licence. Liberty does not mean liberty to do whatever one likes to do but it is the power to do what one ought to do.

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

That is the difference between ' the liberty from our point of view as compared to the point of view of my

friends on the other side. At this juncture . . .

SHRI ABHIMANYU RATH: We are always...

(Interruptions.)

SHRIMATI YASHODA REDDY: It is at this juncture and from this point of view that you have the Preventive Detention Act. The Parliament stands between the individual freedom of a citizen and the collective responsibilities of the nation. When that is the case, sometimes an individual's liberty has to be curbed now and then. Montesque has said "Liberty is a right to do what the law allows and if a citizen could do what the law forbids, it would no longer be liberty because every other person will have the same power." Society cannot exist unless a controlling power is placed upon the will and appetite of the people. It is ordained in the eternal constitution of things that men of intemperate habits can never be free. This is what we are trying to get at. We are not trying to check liberty; we are trying to check the licence. But I am most surprised to see that these champions who are speaking against this Bill are from those on that side and these champions have come to speak of freedom! The people who have no belief in individual liberty, people who do not believe in democracy, who do not believe in our constitutional basis or in democratic set up—are they to teach us what liberty means? I am very sorry to say that the people of the Opposition speak more out of convenience and not out of conviction and when they do not have any conviction, they cannot convince.

Shri Rajah was saying that hon. Pantji's heart was wishing for something but his mouth was saying something else. We never say what we don't feel.

SHRI ABHIMANYU RATH: You are...

(Interruption.)

SHRIMATI YASHODA REDDY: If at all we have to learn it, as you say, maybe we will have to learn it from you and from the Opposition. We have never been taught to do so.

SHRI ABHIMANYU RATH: Of course...

SHRIMATI YASHODA REDDY: You will have your chance. Please don't disturb me. Shri Gupta asked: 'Is there any necessity for this law? Is there an emergency? Why should we have such a law?' I don't know what he means by emergency. I don't know what he means by necessity. If there were conditions which needed this law in 1950, I feel it is more so now. I don't know what he means by saying that we don't need it today. Is looting of villages and burning of houses not an emergency? What is it if brothers go on killing brothers?

SHRI ABHIMANYU RATH: In 1942 you people taught this thing.

SHRIMATI YASHODA REDDY: I told you that you would get your chance. Don't disturb me. When acts which sully the honour and dignity of our nation are performed, is it not emergency? When our national flag is burnt and when people burn our sacred Constitution, are they not matters of grave situation? What is it when brothers kill brothers? Is that not an emergency?

Shri Bhupesh Gupta said that in democratic countries like England or U.S. you don't have such laws. I am glad that he has quoted...

SHRI BHUPESH GUPTA: I never put it that way. It is all right. The hon. Lady Member is entitled to her say.

SHRIMATI YASHODA REDDY: You have at least started quoting England and America for some good points which you now have begun to Me there. You have started seeing

good points in those countries and that will be the beginning of the end of your stay in that side of the House, and I welcome that very much.

SHRI BHUPESH GUPTA: That side is very attractive for some...

SHRIMATI YASHODA REDDY: In England or America you may not have such laws but conditions differ from country to country and from age to age and the laws and institutions have to conform to the demands of the nation and of the country. People have not developed the sense of democracy. Here there are subversive agencies and disruptive factors and as long as there are the communal compartments and caste differences, we need this Bill and we need it because we want it in the interests of national solidarity. As some Members said, the respect for law and order in our country is almost scant. When Government want any evidence or any information to be got, they never get and most of the people work underground and some of them of course are now working outside also. If we have to get evidence, when the normal law functions, it is not always possible. When such is the case, when our country is so divided with so many castes and religions, creating differences, the only binding factor among the various elements is the law and if the majesty and dignity of the law is not maintained, I don't think any other factor will help in the national solidarity.

Another thing that this Bill does is this. It will have two-fold effect. It not only prevents people from doing mischief to other people, but also prevents and keeps people from inviting trouble on themselves. Our Constitution has given power both to States and to the Parliament to enact this law but I welcome it that it should be enacted in the Parliament because it gives a sort of uniformity throughout the country and I welcome it that we are having it in the Parliament.

Shri Gupta was saying: "Can you not defend your country, when only 14 persons are detained, without the Preventive Detention Act? I can tell him that we got the number 14 because the Act was in operation otherwise you would have had 14,000. Because the Act was there, it did prevent and deter the people from doing things which were against the security of the country.

Since yesterday I have been listening to the discussion on this and to the people who have opposed this Bill. There was not one solid argument advanced. All that they were trying to do was . . .

SHRI ABHIMANYU RATH: When this mockery is going on, what argument can we advance?

SHRIMATI YASHODA REDDY: All that they were trying to do was to look into the arguments of hon. Pantji or of other hon. Members and to argue against those arguments. I think that is the weakest way of arguing your own case. I felt that they did not have any case of their own but were talking for the sake of politics and for the sake . . .

AN HON. MEMBER: Your speech is the right example.

SHRIMATI YASHODA REDDY: If it is so, I have learnt it after coming to the Parliament and that too from the hon. Members opposite. I would like to read a few lines from a paper. The Opposition people have said that this Bill cannot be reconciled with the concept of democracy and I would like to read this:

"As the Italian Constitutional Court has pertinently observed in a recent leading case, one of the fundamental problems of democracy is to seek and establish a just, stable equilibrium between the power of the State to prevent the commission of crime and acts prejudicial to public security and the rights of personal liberty of the

individual. All modern constitutions have, therefore, authorised legislatures to impose such restrictions on personal liberty as they might deem necessary and expedient.

"The Indian Constitution, on the other hand, is more democratic in the sense that it has imposed salutary limitation on the plenary authority of the legislature. The only important exception to this limitation relates to preventive detention. But preventive detention, it must be pointed out, is to be found in the legal armoury of all democratic Governments. 'Preventive justice, as it is styled' observed Lord Atkinson in Halliday's case, 'which consists in restraining a man in committing a crime he may commit but has not yet committed, or doing some act injurious to some members of the community, which he may do but has not yet done is no new thing in the laws of England.

"On the continent of Europe, preventive detention has formed an integral part of criminal procedure since the first penal code of France. It is also to be found in many of the existing constitutions as, for example, Article 13 of the Italian Constitution of 1948. Statutory laws of Belgium also deal with this question. More striking is Section 4 of an Irish statute which confers on a Minister of State discretionary power to arrest and detain a person who is suspected to be engaged in activities prejudicial to the preservation of public peace and order or to the security of the State. This provision came up for examination before the Supreme Court of Eire, which upheld its constitutional validity. The same view has been taken by the Supreme Court of Argentina in a recent case in dealing with a statute in respect of preventive detention . . ."

Therefore, it is obvious that the argument of the hon. Members can not hold.

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SHRI BHUPESH GUPTA: Which is the paper the hon. Member has been quoting from?

SHRIMATI YASHODA KEDDY: I can give it to the hon. Member afterwards, if he wishes.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): What is the name of the paper from which you had quoted?

SHRIMATI YASHODA REDDY: I have got it here, but I do not know the name, I will supply it.

SHRI BHUPESH GUPTA: The hon. Member quotes from a paper and does not know what paper it is?

SHRIMATI YASHODA REDDY: What does it matter when I give the material?

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): When an hon. Member reads from a paper, she or he must give the House the name of that paper.

SHRIMATI YASHODA REDDY: I am sorry I don't remember it.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Otherwise there is no use quoting it.

SHRIMATI YASHODA REDDY: All right. I will use it as an argument. I will not quote it. You see, I got it some time back and I took a cutting, but I do not remember from which paper I got it.

SHRI BHUPESH GUPTA: Then she ought not to have read it out.

SHRI H. D. RAJAH: When the hon. Member has been good enough to read from the paper, she should be good enough to give us the name of that paper also. Otherwise she should not have quoted from it.

SHRI BHUPESH GUPTA: Let us find out the name of the paper.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): You can certainly enquire.

SHRI AKBAR ALI KHAN: It is not very graceful, after she has said she is very sorry for not being able to give the name now.

SHRIMATI YASHODA REDDY: I think it is the *Times of India*. But I am not very sure.

I may say this before I close my remarks. This law has never been misapplied or abused and I am sure with the assurance given by the Government, by the hon. Minister, it will never be misused or abused hereafter also.

Some people asked, "Why not make it part of the permanent ordinary law?" Well, we would have done it if we had been less democratic than we have been during the last ten years. But we do not want to have unnecessary laws. So, every year or so, we come before Parliament to convince hon. Members, to persuade them to agree to the retention of such a law, if the necessity is felt. We do not want dictatorial rule or to force a law when there is no necessity for such a legislation. You may misinterpret our views, but we take this risk; in the interest of the nation.

SHRI BHUPESH GUPTA: But there is no necessity for quoting from a paper the name of which you do not know.

SHRIMATI YASHODA REDDY: I suppose the hon. Member can be my judge, but he should not forget in his absolute goodness what human frailties are and possibly in my frailty I might have erred in a very small matter, but he has erred in much bigger things.

There are just two things more that I would like to say. I would like to tell the hon. Minister that instead of bringing forward this Bill in a one-line form, he should have brought forward the whole Act for consideration and that would have been better, because hon. Members would then have had an opportunity of going through all the provisions and trying to tone down

the rigour of any provision in it if there was any such necessity. So this one-line Bill, according to me, is not very satisfactory in that respect. Secondly after this Bill has been passed, a blanket application of the Act should not be there and any State should be given the right, if it feels there is no necessity for it, not to have this law. Barring these things, I do not have anything against this Bill and I wholeheartedly support it.

सरदार रघुबीर सिंह पंजहारी :
उपसभाध्यक्ष जी, आज हम यहां इस ऐवान में जो प्रिवेंटिव डिटेन्शन बिल पास करने जा रहे हैं, उसके बारे में मैं यह समझता हूँ कि हिन्दुस्तान में अमन को बरकरार रखने के लिये इस तरह के ऐक्ट का पास किया जाना निहायत जरूरी है। मद्रास के हान्नास आपके सामने हैं कि किस तरह से मि० नायकर और उसकी पार्टी फिरकापरस्ती का नंगा नाच मद्रास के अन्दर नाच रही है। इसी तरह पंजाब के अन्दर भी फिरकापरस्ती का जहर, जिस फिरकापरस्ती के जहर ने हमारे देशपिता महात्मा गांधी जी का बलिदान किया है, फैल रहा है, और फिरकापरस्त जमातें हमारे पंजाब के अन्दर आन्दोलन चला रही हैं। इन जमातों में भारतीय जनसंघ, हिन्दू महासभा और उसकी और छोटी मोटी कम्युनल संस्थाएँ हैं जो कि इस हिन्दी एजिटेशन की आड़ में कांग्रेस हुकूमत को बदनाम करना चाहती हैं, और जो यह समझती हैं कि नेकमूलरिज्म को यत्न करके हमको हिन्दी हिन्दू राज को कायम करना है। ये लोग जो यह चाहते हैं कि हमें तिरंगे झंडे को जगह किसी ऐश्वरी झंडे को लाना है, आज हिन्दी एजिटेशन को याद में पंजाब के अन्दर फिरकेवाराना जहरीले हालात पैदा करना चाहते हैं।

हिन्दी के बारे में हमारी पोजिशन बिलकुल बलीयर है। हम हिन्दी को राष्ट्र-

भाषा मान चुके हैं। पंजाब का हर बाशिन्दा हिन्दी को राष्ट्रभाषा मानने के लिये तैयार है। इस हिन्दी आन्दोलन के बारे में हमारे पूज्य नेता जवाहरलाल जी नेहरू, हमारे हिन्दी के प्रसिद्ध कवि दिनकर जी, और हिन्दी के रहबर सेठ गोविन्द दास आदि दूसरे नेता बार बार यह साफ कह चुके हैं कि हिन्दी के एजिटेशन से हिन्दी को बचाय फायदे के नुकसान होगा और इसको बन्द कर देना चाहिये। अगर यह हिन्दी एजिटेशन हिन्दी के फायदे के लिये होता तो हम यह मानते हैं कि यह बन्द हो जाता, लेकिन इस हिन्दी एजिटेशन के पीछे कुछ पोलिटिकल पार्टीज हैं जो पोलिटिकल पावर को कँवर करने के लिये इस एजिटेशन को चला रही हैं।

जनाबअली, मैं यह समझता हूँ कि हिन्दुस्तान की तवारीख में किसी भी सियासी तहरीक को इतनी नरमी, और इतने शराफत के तरीकों से आज तक किसी सूबे की सरकार ने डील नहीं किया होगा जितना कि पंजाब की हुकूमत ने हिन्दी रक्षा समिति के संचालकों और हिन्दी रक्षा के वालंटियरों के साथ वर्ताव किया है। यह हिन्दी एजिटेशन ३० मई, १९५७ को जारी किया गया था और बावजूद इसके कि २२ जून १९५७ को सत्याग्रहियों के जत्थे ने हमारे डिप्टी मिनिस्टर डॉ० प्रकाश कौर के ऊपर पत्थर और मिट्टी फेंकी, बावजूद इसके कि १० जुलाई, १९५७ को स्वामी करपात्री जी जो कि राम राज्य परिषद् के मशहूर नेता हैं १०१ सत्याग्रहियों को साथ ले कर चंडोवड़ में सेक्रेटेरियट के दरवाजों को और बाहर के तारों को लगाये गये तालों को तोड़ कर अंदर घुस आये और वहां के शीशों को तोड़ कर उस पर कब्जा करने की कोशिश की, हमने फिर भी उनको पुरखमन तरीके से बाहर निकाला, कोई सख्ती नहीं की; बावजूद इसके कि १६ जुलाई, १९५७ को सत्याग्रहियों ने लाला जगत नारायण को सरकदर्दी में

[सरदार रघुबीर सिंह पंजहजारा]

वहां के पुलिस आफिसर्स को बेइज्जत किया, उनकी पगड़ियां उतारीं और दाढ़ी नोच ली, इसलिये कि वहां कम्प्यूनल टेंशन पैदा किया जाये, फिर भी पंजाब सरकार ने दखल नहीं दिया ; बावजूद इसके कि गुरुद्वारा दरबार साहब में सिगरटों के डिब्बे फेंके गये, चंडीगढ़ के अन्दर गुरुग्रंथ साहब के पन्नों को फाड़ कर फेंका गया, और गुरुद्वारों के आगे नारे लगाये गये कि सिखशाही मुर्दाबाद वगैरा—ऐसे निकम्मे नारे कोई भी सिख-लाइज्ड आदमी गवारा नहीं करेगा और न मोच सकता है—फिर भी पंजाब की सरकार ने प्रिवेंटिव डिटेंशन ऐक्ट के तहत ऐक्शन नहीं लिया । ३० जुलाई, १९५६ को यह आन्दोलन भारतीय जनसंघ के हाथ में आ गया, क्योंकि आर्य समाज के हाथ से यह जनसंघ के हाथ में चला गया, उस वक़्त तक पंजाब की सरकार ने किसी आदमी को न प्रिवेंटिव डिटेंशन में गिरफ्तार किया और न कोई दूसरा ऐक्शन उनके खिलाफ लिया । जब लोग पुरअमन सत्याग्रह करते थे तब हम यह समझते थे कि यह भाई गलत-फहमी से सत्याग्रह करते हैं, क्योंकि हिन्दी तो हमारी राष्ट्रभाषा है और अगर वे हिन्दी को आगे लाने की कोशिश करते हैं तो हमें उसमें कोई दखल नहीं देना चाहिये और पंजाब सरकार की भी यही नीति थी, लेकिन जब यह एजिटेशन जनसंघ और हिन्दू महा-सभा के हाथ में चला गया, जब उन्होंने ३० जुलाई १९५७ को यह प्रोग्राम बना लिया कि अब हमें डिस्ट्रिक्ट कोर्ट्स में जा कर कोर्ट्स की कार्यवाहियों को बन्द कर देना चाहिये, जब उन्होंने रोहतक में डिप्टी कमिश्नर के आफिस में न जा कर बल्कि घर में जा कर पत्थर मारे और उसके घर वालों को परेशान और हैरान किया, जब २०० आदमी पुलिस के थाने में जबरदस्ती जा कर सत्याग्रहियों को रिहा कराने के लिये आये, जब उनके तरीके बाइलेंस में बदल गये

और जब उनकी तहरीक का मकसद हिन्दुओं और सिखों के ताल्लुकात खराब करना हो गया और जब वे यह समझने लगे कि हम ने पंजाब सरकार को तशद्दूद से दबाना है, तो उस वक़्त, २६ अगस्त, १९५७ को पंजाब के १८ जिलों में से १२ जिलों में दफा १४४ का निफाज किया गया और उसके बाद वहां गिरफ्तारियां शुरू हुई ।

इस बिल क मुताल्लक जब लोक सभा में बहस हो रही थी तो दो इंसीडेंटों के बारे में जिक्र किया गया । एक तो फिरोजपुर जेल का इंसीडेंट था और दूसरा बहुअकबरपुर का इंसीडेंट था । जहां तक फिरोजपुर जेल का सवाल है हमें इस बात का अफसोस है कि वहां पर इस तरह की बात हुई जो कि नहीं होनी चाहिये थी । पंजाब सरकार को जिस रोज इस इंसीडेंट के बारे में इल्म हुआ उसने फौरन अफसरों के खिलाफ जो कि इस इंसीडेंट से ताल्लुक रखते थे सख्त कार्यवाही की । जिन अफसरों ने इस मामले में ज़ादती की थी, जिन्होंने इस किस्म का काम किया था जो कि उन्हें नहीं करना चाहिये था उनको उसी वक़्त सस्पेंड कर दिया गया था, और उनके खिलाफ अदालती जांच जारी हो गई । लेकिन जहां तक बहुअकबरपुर का सवाल है जिसके बारे में यह कहा गया कि वहां पर यह हो गया, वह हो गया, मैं उसके बारे में आप से यह अर्ज करना चाहता हूं कि अगस्त १४-१५ की रात को एक मोटर गाड़ी में कुछ कैदी सत्याग्रही रोहतक जेल से हिसार जेल को ले जाये जा रहे थे कि बहुअकबरपुर के मुकाम पर देहातियों ने रास्ते के ऊपर पत्थर और लकड़ी डालकर रास्ता बन्द कर दिया । ये देहाती लोग हथियारों और लाठियों से मुसल्ला थे और पुलिस का मुकाबला करने के लिये तैयार बैठे थे । जब पुलिस की गाड़ी उनके पास पहुंची, तो उन्होंने कहा कि हम कैदियों को रिहा कराने के लिये यहां पर इकट्ठा हुए हैं । देहातियों ने पुलिस वालों से कहा कि हिन्दू पुलिस एक तरफ हो जाये और सिक्ख पुलिस एक तरफ हो

जाय । आज सब लोगों को मालूम है कि पुलिस के लिये तो यह लाजमी है कि उन्हें जो काम सौंपा जाता है उसे पूरा करना होता है । उन्हें तो कैदियों को हिसार जेल में पहुँचाना था । उनके लिये हिन्दू और सिक्ख पुलिस का कोई सवाल नहीं उठता था । पुलिस वालों ने देहातियों को बहुत समझाया मगर वे लोग लड़ने के लिये आमादा हो गये, इस पर पुलिस ने लाठीचार्ज किया । जब रास्ता साफ हो गया तब पुलिस वाले गाड़ी में बैठे कैदियों को हिसार जेल तक ले जा सके ।

जनाब वाला, आज जो बातें पंजाब सरकार के खिलाफ यहां पर कुछ मੈम्बरान ने कहीं उनको सुनने के बाद ही मैंने यह बात हाउस के सामने रखी । पंजाब सरकार सत्याग्रह के सिलसिले में बहुत जल्द से काम ले रही है फिर भी आज देखने में यह आता है कि वहां पर हमारे देश के जो बड़े बड़े लीडरान हैं, उनकी इफीजी जलाई जाती है । पंजाब सरकार के किसी मंत्री को जलसों में तकरीर नहीं करने दी जाती है । कांग्रेस के जलसों में गड़बड़ी पैदा की जाती है, इस तरह से वहां पर राउडिज्म किया जाता है । कम्युनिस्ट पार्टी के लीडर मि० अजय घोष को भी पार्टी मीटिंग नहीं करने दी जाती है हालांकि हमारे कम्युनिस्ट भाई लैंग्वेज के बारे में यह कहते हैं और उन्होंने एक सीधा तरीका अख्तियार किया हुआ है कि लैंग्वेज के बारे में कमप्लेशन न किया जाये । जब इस तरह की फिजा पंजाब में है जिसकी वजह से शान्ति को हर वक्त खतरा है अगर कुछ आदमियों को सरकार इस ऐक्ट के मातहत गिरफ्तार कर भी लेती है तो बेजा नहीं है । कुंजरू साहब ने अभी अपनी तकरीर में कहा था कि इस समय पंजाब में इस ऐक्ट के मातहत करीब २४४ आदमी गिरफ्तार हैं । मैं उनसे अर्ज करना चाहता हूँ कि उनकी यह इंफारमेशन गलत है । इस ऐक्ट के मातहत पंजाब में ११४ आदमी गिरफ्तार

हुए । इस समय पंजाब की जेलों में इस ऐक्ट के मातहत गिरफ्तार लोग सिर्फ २७ हैं बाकी सब छोड़ दिये गये हैं । मैं आपसे यह भी अर्ज करना चाहता हूँ कि पंजाब के चीफ मिनिस्टर ने इस सत्याग्रह के सिलसिले में गिरफ्तार शुदा एक हजार आदमियों को रिहा करने का हुक्म आज दे दिया है ।

जनाब वाला, मैं हाउस से वह अर्ज करना चाहता हूँ और साथ ही साथ समिति वालों से भी प्रार्थना करूंगा कि अगर वे हिन्दी को आगे बढ़ाना चाहते हैं, हिन्दी को राष्ट्रभाषा के रूप में देखना चाहते हैं, तो उन्हें पंजाब में अपना एजीटेशन फौरन बंद कर देना चाहिये । यह एजीटेशन फिरका-परस्ती पर मबनी है, इसे जितनी जल्द बन्द कर दिया जाये उतना ही देश के लिये अच्छा होगा । इन अलफाज के साथ मैं इस बिल को तार्ईद करता हूँ ।

شریمنی انیس قدوائی (انپریڈیہ):

جذاب وائس چیرومہن صاحب - دنیا میں کوئی ایسی حکومت نہیں جو عوام کی حفاظت، ان کی بہبودی اور حکومت کے استحکام یا مضبوطی کے لئے قانون نہ بناتی ہو - خانہ بدوش قبیلوں کے سردار اور خاندان کا ہر بوا مسہر اپنے خاندان اور قبیلہ یا کمیونٹی کی ایکتا اور سماج کی بنیاد کو استوار رکھنے کے لئے چھوٹے موٹے قاعدے، قانون ایلی فہملی - برادری اور پنچایت پر گو کیا کرتے ہیں - اس لئے حکومت کی طرف سے اگر کوئی قانون آئے تو ایک شہری کی حیثیت سے ہم کو بھی اس کا احترام کرنا چاہئے - لیکن غلطیاں دنیا میں دس سے نہیں ہوتیں -

[شریمتی انہس قدوائی]

پرعصب ذات تو پس خدا کی ہے - جو ایک اس وقت ہاؤس کے سامنے آیا ہے اس کی مہمان ۳۱ دسمبر کو پوری ہوتی ہے

وائس چیئرمین صاحب - آنریبل منسٹر بھی پبلک کے نمائندہ ہیں نہ تب اس کے مصداق بنے ہیں اور ہاؤس کے ممبران بھی بیک گراؤنڈ میں عوام کی ۲۰ کروڑ بھڑاپے ساتھ لئے بیٹھے ہیں - ایک فارسی مثل ہے کہ ۷۷ رموز مملکت خوبصورت سرواں داند ۷۷ یعنی اپنی حکمت کے بھید بادشاہ ہی سمجھ سکتے ہیں - لیکن یہ پرانی کہاوٹ تھی - آج کے زمانہ میں نہ کوئی بادشاہ ہے نہ رعایا اور نہ کوئی راجا ہے نہ پرجا - اس جمہوریت اور ڈیموکریسی کے زمانہ میں جب سوشلسٹ سماج کی بنیاد رکھنے والوں کے ہاتھوں میں کوئی ایسی چیز آتی ہے جس سے جنگ کا گلا گھٹتا ہو جس سے فرد کی آزادی پر چوٹ پڑتی ہو - جس سے زبانیں لگتی جا سکتی ہوں اور قلم تیز جا سکتے ہوں اور جس سے عدل و انصاف کے کلمے پر چھری پھرتی ہو - تو بنا بولے رہا نہیں جاتا - یہ بول اگر سرکار سمجھے تو عوام کی آواز ہوں - زبان ختی کر نقارہ خدا سمجھو -

اسی طرح کے بہت سے قانون بدیشی سرکار لایا کرتی تھی - ایسے ہی کلمے

ایک تھ آرڈیننس تھ جن کے خلاف کانگریس نے آواز اٹھائی تھی اور ان کو ظلم و نا انصافی قرار دیکر پبلک کو بھڑکایا تھا - آج یہ حالت ہے کہ ۷۷ جن پہ تکیہ تھا وہی -

بٹے ہوا دیئے لگے ۷۷

اپنی حکمت ہے اپنا دیہن ہے - اس میں دھلے والے اچھے بھی ہیں برے بھی - یوں کو برے کاموں کی سزا بھی ضرور ملنی چاہئے - نہ ملے گی تو ہمارے سماج کا ستیاناس ہو جائیگا - ملک سے غداری کرنے والے وطن کے دشمن پیسے کے موہی ہر زمانہ میں رہے ہیں آج بھی ضرور ہوں گے - لیکن انصاف تو دشمن کو بھی ملنا چاہئے - جو ہندوستان کی حفاظت - غیر ملک سے تعلقات اور پبلک مفاد میں کھلوت قاتل ہے اس کو ضرور گرفتار کیا جانا چاہئے - انکا ہی نہیں اس پر مقدمہ چلایا جائے اور جرم ثابت ہو جائے تو پھانسی دیدیجئے گولی مار دیدیجئے - مگر بنا جرم پٹائی صفائی کا موقع دئے عدالت میں لئے بغیر جیل میں قاندینا یا مرنے والی سزا دیدینا آخر کہاں کا انصاف ہے - اس ہاؤس میں تو پھانسی کی سزا کے خلاف بھی آواز اٹھ چکی ہے اور دوسرے قانون موجود ہیں - کیا پمیل کوہ کافی نہیں ہے - کیا مجرموں کو سزا دیئے کے لئے اور جو لا ہیں ان میں کنبانہ نہیں ہے - اگر نہیں ہے تو ان کی کمی پوری

کھینچے اور مستقل قانون میں تھوڑا
بہت ضرورت پھر کا اضافہ کر لیا۔

اس قسم کے ایکٹ تو ایمرجنسی
ضرورتوں کے لئے ہوتے ہیں۔ ایسے ایکٹ
اور آرگینلنس تو اسوقت لائے جاتے ہیں
جب ہنگامی صورت حال پیدا ہوگئی
ہو۔ پارلیمنٹ بلائی نہ جا سکتی ہو
عدالتیں جلد جلد فیصلہ نہ کر سکتی
ہوں۔ ملک میں افراتفری ہو۔ لیکن
کہیں پہلے دنوں میں محسوسیت اور
جج کے ہوتے ہوئے ایڈوائزری بورڈ بنا کر
فیصلے لئے جاتے ہیں۔ بلا جرم بتائے
بغیر کوئی کافڈ دکھائے وکیل بھٹ کر
لیتے ہیں اور سزا ہو جاتی ہے۔ شمع
سعدی جو ایک بہت بڑے مصلف تھے
اور چلہوں نے بچپن اور بڑوں کے لئے
بہت اچھی اچھی کتابیں لکھی ہیں
جو کافی نصیحت آموز ہیں، ایک
جگہ لکھتے ہیں کہ اگر ایک اندا حاکم
اپنے ظلم سے لے لٹکا تو اس کے مصاحب
لوگ اور افسران ہزاروں سرخروں کو
شمع پر چڑھا دیں گے۔ سو آپ دیکھ
لےجئے کہ آج بھی ملک میں ہو رہا ہے۔

ہندی ایجنسی تھن کے سلسلہ میں
جو کچھ ہو رہا ہے اس پر بھی غور
کھینچئے۔ مجرم جب عدالت میں آتا
ہے تو موافق و مخالف بیانات ہوتے
ہیں۔ اچھائی برائی کھل کر پبلک کے
سامنے آ جاتی ہے۔ تو پبلک میں
بھی حالات کو عقل سے سمجھنے کا
دھجکان پیدا ہو جاتا ہے۔ اس قسم کے

ایکٹ ہنگامی حالت پیدا کرتے ہیں، عوام
کے جذبات میں ہرجان پیدا کرتے ہیں
اور اکثر اوقات غلط قسم کی ہمدردیاں
جنگل کے دل میں پیدا کر دیتے ہیں۔
دہلی بم کہس کے دنوں میں کیا ہوا۔
معدے یاد ہے کہ پچھلے دنوں میں بہت
سے لوگ ایسے تھے جن کو پولیس نے
گرفتار کیا اور ان کو مختلف قسم کی
سزائیں ملیں۔ چلکو سزائیں نہیں
ملیں وہ پکڑے گئے اور پکڑ کر جیل میں
رکھے گئے۔ اور پھر انہیں ۸ دن بعد
چھوڑ دیا گیا۔ کوئی ۱۵ دن بعد چھوڑ
دیا گیا اور کوئی دو مہینے بعد چھوڑ
دیا گیا۔ اس سے یہ ہوا کہ ان کے جو
چہرے مورتے کاروبار چل رہے تھے وہ
ٹھپ ہو گئے۔ آخر وہ جیل سے چھوٹ
کر آ گئے کھونکہ کوئی قصور ان پر ثابت
نہیں ہو سکا۔ اتنا ہی نہیں بلکہ کچھ
ہمارے کانگریسی مسہران کے گھروں کی
تلاشی ہوئی۔ اسکولوں کے ماسٹران
تک پکڑے گئے۔ ایک ہیڈ ماسٹر کو
چھوڑانے کی خود میں نے کوشش کی
تھی اور پلٹ جی کے پاس گئی تھی۔
ایک سمینار میں سے جہاں ایجوکیشن
لیکسپورٹ جمع تھے ان کو پولیس گرفتار
کر کے لے گئی۔ پولیس نے ان کو چھ
سات دن حوالات میں رکھا اور جب
کوئی قصور ثابت نہیں ہوا تو چھوڑ
دیا۔ اس طرح چھ سات دن وہ سکول
بند رہا اور سارے ماسٹران ادھر ادھر
دوڑتے رہے۔ اسی لئے اگر دہلی کی
راجدھانی میں غاروکی صاحب ایڈیٹر
۲۲ ستانہ ۲۲ و ۲۲ پھام مشرق ۲۲ کو ایک

۱۔ [شری مٹی انیس قدوائی]

بوس کے لئے بلا مقدمہ چلائے جیل میں بند کیا جا سکتا ہے تو دوسری سٹیمٹس جو ہندوستان کا ایک انگ اور ایک حصہ ہونے کی دعویدار ہیں پانچ پانچ برس تک مستند ہستوں کو جیل میں سزا دیتی ہیں۔ یہ ایکٹ تو ایک اندھی لڑکی ہے جو آپ افسران کے ہاتھ میں دیتے ہیں کہ جو انہیں اچھا نہ لگے اس کا سر توڑ دیں اور پھر اس کی داد نہ فریاد۔

لوگوں کا گروہ در گروہ گرفتار ہونا۔ بغیر وجہ بتائے جیل بھیج دیا جانا۔ کچھ لوگوں کا ہتھ کر ان کو سزا دینا اور پھر ان پر جیل میں سختیاں ہونا پولیس کو سن مائی آزادی دیدینا۔ آخر یہ سب کہاں کا انصاف ہے؟ ہندوستان جو دنیا کو چٹائی، امن اور انصاف کا سبق سکھاتا ہے اس کے لئے کیا شرمناک بات نہیں ہے کہ اس کو اپنے گھر میں قابو پانے کے لئے غبر ملصفانہ ایکٹ نافذ کرنے کی ضرورت پڑتی ہے؟

مجھے نہ پھانسی پر اعتراض ہے اور نہ برسوں کی قید پر۔ نہ مجرموں کو سزا دینے پر بلکہ میرے نزدیک تو نرم سزائیں ہی کریشن، غلطہ گردی اور دوسرے جرائم کو فروغ دیتی ہیں لیکن اس ایکٹ سے عدل و انصاف کا جو خون ہوتا ہے اس پر آنریبل منسٹر کی توجہ دلانا اپنا فرض سمجھتی

ہوں کہ اس سلسلہ میں ہائیکورٹ اور سپریم کورٹ نے جو کمیٹیاں دیئے ہیں ان کو بھی دھیان میں رکھنا ضروری ہے اور انسانیت و انفرجیول لبرٹی جس کا ذکر خود پلٹ جی نے کیا ہے اس کا بھی لحاظ رکھیں۔ مان لیجئے کہ کوئی شخص کسی چھوٹی مندری پر گرفتار ہوتا ہے تو اس کو جھٹک بورڈ کے سامنے آ کر خود صفائی دینے کا موقع نہ ملے وہ اپنے کو یہ گناہ ثابت کیسے کر سکتا ہے؟ اور اگر کوئی بہت بڑا مجرم ہے، تب بھی حکومت سے رحم کی نہ سہی مگر انصاف کی مانگ تو وہ بھی کر سکتا ہے۔ کم از کم ہندوستان کی گردن تو ہمیشہ میں اونچی رہے گی کہ ہم نے شیر اور بکری کو ایک گھاٹ پانی پلایا۔

اپنے دل کی بات کہل کر کہہ لہئے کے بعد بھی میں یہ سمجھتی ہوں کہ اس میں شک نہیں کہ ہاوس اس ایکٹ میں توسیع دیدینا تو پھر اتنا ہی کیجئے کہ اس کو سارے ہندوستان پر لاگو کر دیجئے ایک سرے سے دوسرے سرے تک تاکہ ایک سال سے زیادہ کوئی [بند نہ رکھا جا سکے اور چار چار برس] [بلا چارج شہر لئے چیلوں میں رکھ چھوڑنا ناممکن ہو جائے۔ کم سے کم بھارت کی کانسٹیٹیوٹ اسبلی کے ممبروں پر جنگل کا قانون تو لاگو نہ ہو۔

آخر میں آنریبل منسٹر سے میں معافی چاہتی ہوں اور یہ عرض کرنا چاہتی ہوں کہ میں اس ایکٹ کو اسی طرح اچھا ماننے کے لئے تیار ہوں جیسے کہ اپنا ملہ خواہ وہ کتنا ہی بدصورت کہوں نہ ہو مگر آئینہ میں بہت اچھا لگتا ہے اور اپنا بچہ کتنا ہی بدشکل کہوں نہ ہو مگر بہت ہی پیارا لگتا ہے۔ لیکن پھر بھی میں کوئی حسین تو نہ کہے گا اور نہ دیکھ کر کسی کا جی خوش ہوگا۔ اتنا کہنے کے بعد میں پھر ایک مرتبہ درخواست کروں گی کہ جو موجودہ قانون میں اگر ان میں ہی مستقل طور پر ایسا کر دیا جائے کہ ہر مجرم کو یا شبہ والے آدمی کو صفائی اور انصاف کا حق دینے کے بعد سزا دی جا سکے تو وہ زیادہ بہتر ہوگا بہ نسبت اس کے کہ ہر سال اس قسم کا ایک ایکٹ ہمارے سامنے آتا رہے جو کانگریس کے بنیادی اصولوں کے خلاف ہے۔ صرف انسانیت کے ناطے اور اس انسانی آزادی کے ناتے جس کے لئے کانگریس ہمیشہ لڑتی رہی ہے میں کہتی ہوں کہ یہ ایکٹ ہمارے اصولوں کے خلاف ہے ایسے ایکٹ لانے کے بجائے اگر گورنمنٹ اپنے کانستٹیوشن میں مناسب تبدیلی کر لیتی ہے تو وہ زیادہ بہتر ہوگا بہ نسبت اس کے کہ ہم ہر سال ایک ہنگامی صورت حال پر ایک نیا قانون بنائیں اور اس نئے قانون کو نئی طرح لاگو کرنے کی کوشش کریں۔

اس سے پہلک میں یہ خیال پیدا ہو سکتا ہے کہ ہم کو انصاف نہیں مل رہا ہے اور کانگریس نے جو کہا تھا کہ ہر آدمی کو زبان، قلم اور خیال کی آزادی کے پیدائشی حقوق ملنے کے وہ نہیں مل رہے ہیں۔ کم سے کم ہمیں اتنا تو خیال رکھنا ہی چاہیئے کہ دوسروں کو ہمارے اوپر طعنے زنی کرنے موقع نہ ملے۔ اپوزیشن کے ممبران نے کئی بار ہمارے سامنے حوالہ دیا اگرچہ وہ دوسرے نقطہ نظر سے کہتے ہیں اور وہ خود اس کے قائل نہیں ہیں لیکن وہ بار بار اس کا حوالہ دیتے ہیں کہ ہم سول لبرٹی کے قائل رہے ہیں اور اس کی کوشش کی ہے اس لئے ایسے قانونوں سے جن سے پہلک میں ایک ہیجان پیدا ہوتا ہے کام نہ لیا جائے تو زیادہ بہتر ہوگا۔

ان چند الفاظ کے ساتھ میں اس بل کو اگر سہورٹ کرنا ضروری ہو تو سہورٹ کرتی ہوں۔

†भीमती अनीस किदवाई (उत्तर प्रदेश) :

जनाब वाइस चेरमैन साहब दुनिया में कोई ऐसी हुकूमत नहीं जो अराम की हिफाजत, उनकी बहबूदी और हुकूमत के इस्तेहकाम या मजबूती के लिये कानून न बनाती हो। खानाबदोश कबीलों के सरदार और खानदान का हर बड़ा मेम्बर अपने खानदान और कबीला या कम्प्यूनिटी की एकता या समाज की बुनियाद को उस्तवार रखने के लिये छोटे मोटे कायदे कानून अपनी फ़ैमिली, बरादरी और पंचायत पर लागू किया करते हैं। इसलिये हुकूमत की तरफ़ से अगर कोई कानून आये तो एक शहरी की हँसियत से हमको भी उसका एहताराम करना चाहिये। लेकिन प्रलतियाँ किससे नहीं हुई। बेएबजात तो बस खुदा की है। जो

† [] Hindi transliteration.

[श्रीमती अनीस किदवाई]

एकट इस वक्त हाउस के सामने आया है उसकी मियाद ३१ दिसम्बर को पूरी होती है ।

वाइस चैंबरमैन साहब ! आनरेबल मिनिस्टर भी पब्लिक के नुमाइंदा बन कर तब उसके मुहाफिज* बने हैं और हाउस के मेम्बरान भी बैकग्राउंड में अग्राम की ४० करोड़ भीड़ अपने साथ लिये बैठे हैं । एक फ़ारसी मिसल है कि "समूचे मम्लुकते ख्वेश सुसरवां दानंद" यानी अपनी हुकूमत के भेद बादशाह ही समझ सकते हैं । लेकिन यह पुरानी कहावत थी । आज के ज़माने में न कोई बादशाह है न रियाया, और न कोई राजा है न प्रजा । इस जम्हूरियत और डेमोक्रेसी के ज़माने में जब सोशलिस्ट समाज की बुनियाद रखने वालों के हाथों में कोई ऐसी चीज आती है जिससे जनता का गला घुटता हो, जिससे फ़रद की आज़ादी पर चोट पड़ती हो । जिससे जबानें काटी जा सकती हों और क़लम तोड़े जा सकते हों और जिससे अदल व इंसफ़ के गले पर छुरी फिरती हो तो बिना बोले रहा नहीं जाता । यह बोल अगर सरकार समझे तो अग्राम की आवाज़ है । ज़बानेख़लक को नक्काराये खुदा समझो । इस तरह के बहुत से क़ानून विदेशी सरकार लाया करती थी । ऐसे ही कितने एकट थे, आर्डिनंस थे जिनके खिलाफ कांग्रेस ने आवाज़ उठाई थी और उनको जुल्म व नाइंसाफ़ी करार देकर पब्लिक को भड़काया था । आज यह हालत है कि "जिस पर तकिया था वही पत्ते हवा देने लगे" अपनी हुकूमत है, अपना देश है । इसमें रहने वाले अच्छे भी हैं, बुरे भी । बुरों को बुरे कामों की सज़ा भी ज़रूर मिलनी चाहिये ; ना मिलेगी, तो हमारे समाज का सत्यानाश हो जायेगा : मुल्क में ग़द्दारी करने वाले वतन के दुश्मन पैसे के मोही, हर ज़माने में रहे हैं । आज भी ज़रूर होंगे । लेकिन इंसफ़ तो दुश्मन

को भी मिलना चाहिये । जो हिन्दुस्तान की हिफ़ाज़त, ग़ैर मुल्क से ताल्लुकात और पब्लिक मुफ़ाद में खंडित डालता है । उसको ज़रूर गिरफ़्तार किया जाना चाहिए । इतना ही नहीं, उस पर मुक़दमा चलाया जाये और जुर्म साबित हो जाये तो फांसी दे दीजिये, गोली मार दीजिये । मगर बिना जुर्म बताये, सफ़ाई का मौक़ा दिये, अदालत में लाये वग़ैर जेल में डाल देना या मनमानी सज़ा देना आख़िर कहां का इंसफ़ है ? इस हाउस में तो फांसी की सज़ा के खिलाफ़ भी आवाज़ उठ चुकी है और दूसरे क़ानून भी मौजूद हैं । क्या पीनल कोड काफ़ी नहीं है ? क्या मुजरिमों को सज़ा देने के लिये और जो ला है उनमें गुंजाइश नहीं है ? अगर नहीं है, तो उनकी कमी पूरी कीजिये और मुसतकिल क़ानून में थोड़ी बहुत ज़रूरत भर का इज़ाफ़ा कर लीजिये ।

इस क्रिस्म के एकट तो अमर्जेंसी ज़रूरतों के लिये होते हैं । एकट और आर्डिनंस तो उस वक्त लाये जाते हैं जब हंगामी सूरते हाल पैदा हो गई हों । पार्लियामेंट बुलाई न जा सकती हो । अदालतें जल्द जल्द फ़ैसला न कर सकती हों । मुल्क में अफ़रातफ़री हो । लेकिन कहीं भले दिनों में मैजिस्ट्रेट और जज के होते हुये एड्वाइज़री बोर्ड बनाकर फ़ैसले किये जाते हैं ? बिना जुर्म बताये और वग़ैर कोई कांफ़ेस दिखाये, वकील बहस कर लेते हैं और सज़ा हो जाती है ? शेख़ सादी जो एक बहुत बड़े मुसफ़ि़क़ थे और जिन्होंने बच्चों और बड़ों के लिये बहुत अच्छी अच्छी किताबें लिखीं हैं जो काफ़ी नसीहत आमेज़ हैं, एक जगह लिखते हैं कि अगर एक ब्रंडा हाकिम अपने जुल्म में ले लगा तो उसके मुसाहिब लोग और अफ़सरान हज़ारों मुर्गियों को सोख पर चढ़ा देंगे । सो आप देख लीजिये कि आज यही मुल्क में हो रहा है ।

हिन्दी एजेंटेशन के मिलसिले में जो कुछ हो रहा है उस पर भी गौर कीजिये ।

मुजरिम जब अदालत में आता है तो मुआफिका वां मुखालिफ बयानात होते हैं। अच्छाई बुराई खुल कर पब्लिक के सामने आ जाती है। तो पब्लिक में भी हालात को अक्ल से समझने का सहजान पैदा हो जाता है। इस क्रिस्म के एक हंगामी हालात पैदा करते हैं, अबाम के जज्बात में हेजान पैदा करते हैं और अक्सर अक्रात प्रलत क्रिस्म की हमदर्दियां जनता के दिल में पैदा कर देने हैं। दिल्ली बम केस के दिनों में क्या हुआ? मुझे याद है कि पिछले दिनों में बहुत से लोग ऐसे थे जिनको पुलिस ने गिरफ्तार किया और उनको मुखतलिफ क्रिस्म की सजायें मिलीं, जिनको सजायें नहीं मिलीं वह पकड़े गये और पकड़े कर जेल में रक्खे गये। और फिर उन्हें आठ दिन बाद छोड़ दिया गया। कोई पन्द्रह दिन बाद छोड़ दिया गया और कोई दो महीने बाद छोड़ दिया गया और उससे यह हुआ कि उनके जो छोटे मोटे कारोबार चल रहे थे वह ठप्प हो गये। आखिर वे जेल से टकर आ गये क्योंकि कोई कुसूर उन पर साबित नहीं हो सका। इतना ही नहीं बल्कि कुछ हमारे कांग्रेसी मेम्बरान के घरों की तलाशी हुई। स्कूलों के मास्टरान तक पकड़े गये। एक हेडमास्टर को छड़वाने की खुद मंने कोशिश की थी और पन्त जी के पास गई थी। एक सेमोनार में से जहां एजुकेशन एक्सपर्ट जमा थे पुलिस उनको गिरफ्तार करके ले गई। पुलिस ने उनको छः सात दिन हवालात में रखा और जब कोई कुसूर साबित नहीं हुआ तो छोड़ दिया। इस तरह छः सात दिन वह स्कूल बंद रहा और हमारे मास्टरान इधर उधर दीड़ते रहे। इसलिये अगर दिल्ली की राजधानी में फारूकी साहब, एडिटर "आस्ताना" व "पयामे मशरिफ" को एक वर्ष के लिये बिना मुकदमा चलाये जेल में बन्द किया जा सकता है, तो दूसरी स्टेट्स को जो हिन्दुस्तान का एक अंग और एक हिस्सा होने की दावेदार हैं पांच पांच वर्ष तक मुक्तदर हस्तियों को जेल में सजा देती हैं। यह एक्ट तो एक अंधी लाठी

है जो आप अफसरान के हाथ में दे देते हैं कि जो उन्हें अच्छा न लगे उसका सर तोड़ दें और फिर उसकी दाद न फरियाद।

लोगों का गिराव दर गिराव गिरफ्तार होना, बगैर वजह बताये जेल भज दिया जाना, कुछ लोगों का बैठकर उनको सजा देना और फिर उन पर जेल में सख्तियां होना, पुलिस को मनमानी आज्ञा दी दे देना, आखिर यह सब कहां का इन्साफ है? हिन्दुस्तान जो दुनियां को सच्चाई, अमन और इन्साफ का सबक सिखाता है उसके लिये क्या शर्मनाक बात नहीं है कि उसको अपने घर में काबू पाने के लिये गैरमुसिफाना एकट नाफिज करने की जरूरत पड़ती है?

मुझे न फ्रांसी पर एतराज है और न वर्षों की क़ैद पर। न मुजरिमों को सजा देने पर। बल्कि मेरे नजदीक तो नरम सजायें ही करप्शन, गुंडागर्दी और दूसरे जुराडम को फुरोग देती हैं लेकिन इस एकट से अदल व इन्साफ का जो खून होता है उस पर आनरेबिल मिनिस्टर की तबज्जु दिलाना अपना फ़र्ज समझती हूं। इस सिसिला में हाईकोर्ट और सुप्रीम कोर्ट ने जो कमेंट दिये हैं उनको भी ध्यान में रखना जरूरी है, और इन्सानियत व इंडिविज्यूल लिबर्टी जिसका जिक्र खुद पंत जी ने किया है उसका भी लिहाज रखें। मान लीजिये कि कोई शख्स किसी झूठी मुखबरी पर गिरफ्तार होता है तो उसको जब तक बोर्ड के सामने आकर खुद सफ़ाई देने का मौका न मिले वह अपने को बेगुनाह कैसे साबित कर सकता है? और अगर कोई बहुत बड़ा मुजरिम है, तब भी हुकूमत से रहम की न सही मगर इन्साफ की मांग तो वह भी कर सकता है। कम से कम हिन्दुस्तान की गरदन तो विदेशों में ऊंची रहेगी कि हमने शेर और बकरी को एक घाट पानी पिलाया।

अपने दिल की बात खुल कर कह लेने के बाद भी मैं यह समझती हूं कि इसमें शक नहीं कि हाउस इस एक्ट में तोसी दे देगा।

[श्रीमती अनीस किदवई]

तो फिर इतना ही कीजिये कि इसको सारे हिन्दुस्तान पर लागू कर दीजिये, एक सिरे से दूसरे सिरे तक, ताकि एक साल से ज्यादा कोई बन्द न रखा जा सके। और चार-चार वर्ष बिना चार्जशीट दिये जेलों में रख छोड़ना नामुम्किन हो जाय। कम से कम भारत की कांस्टीट्यूट असेम्बली के मेम्बरों पर जंगल का कानून तो लागू न हो।

आखिर में आनरेबिल मिनिस्टर से मैं माफ़ी चाहती हूँ और यह अर्ज करना चाहती हूँ कि मैं इस एक्ट को इसी तरह अच्छा मानने के लिये तैयार हूँ जैसे कि अपना मुँह स्वाहा वह कितना ही बदनूरत क्यों न हो मगर आइना में बहुत अच्छा लगता है और अपना बच्चा कितना ही बदनूरत क्यों न हो मगर वह बहुत ही प्यारा लगता है। लेकिन फिर भी हमें कोई हसीन तो न कहेगा और न देखकर किसी का जी खुश होगा। इतना कहने के बाद मैं फिर एक मर्तबा दरखास्त करूंगी कि जो मौजूदा कानून हैं उनमें ही मुस्तकिल तोर पर ऐसा कर दिया जाय कि हर मुजरिम या शुबहा वाले आदमी को सफ़ाई और इंसफ़ का हक़ देन के बाद सज़ा दी जा सके तो वह ज्यादा बहतर होगा बनिस्वत इसके कि हर साल इस इस क्रिस्म का एक एक्ट हमारे सामने आता रहे जो कांसे के बुनियादी उसूलों के खिलाफ़ है। सिर्फ़ इंसानियत के नाते और उस इंसानी आज़ादी के नाते जिसके लिये कांसे हमेशा लड़ती रही है, मैं कहती हूँ कि यह एक्ट हमारे उसूलों के खिलाफ़ है। ऐसे एक्ट लाने के बजाये अगर गवर्नमेंट अपने कांस्टीट्यूशन में मुनासिब तबदीली कर लेती है तो वह ज्यादा बहतर होगा बनिस्वत इसके कि हम हर साल एक हंगामी मूरतेहाल पर एक नया कानून बनायें और उस नये कानून को नयी तरह लागू करने की कोशिश करें। इससे पब्लिक में यह ख्याल पैदा हो सकता है कि हमको इंसफ़ नहीं मिल रहा है और कांग्रेस ने जो कहा था कि हर आदमी को ज़बान,

कलम और ख्याल की आज़ादी के पैदाइशी हक़क़ मिलेंगे वे नहीं मिल रहे हैं। कम से कम हमें इतना तो ख्याल रखना ही चाहिये कि दूसरों को हमारे ऊपर तानाज़नी करने का मौक़ा न मिले। अपोजीशन के मेम्बरान ने कई बार हमारे सामने हवाला दिया अगरचें वह दूसरे नुक्तानज़र से कहते हैं और वे खुद उसके क़ायल नहीं हैं, लेकिन वे बारबार उसका हवाला देते हैं कि हम सिविल लिबर्टी के क़ायल रहे हैं और उसकी कोशिश की है। इसलिये ऐसे क़ानूनों से ज़िनसे पब्लिक में हैज़ान पैदा होता है काम न लिया जाय तो ज्यादा बहतर होगा।

इन चन्द अलफ़ाज़ के साथ मैं इस बिल को, अगर सपोर्ट करना ज़रूरी हो, तो सपोर्ट करती हूँ।

श्री राम सहाय (मध्य प्रदेश) : उप-सभाध्यक्ष महोदय, प्रिवेंटिव डिटेनशन ऐक्ट के बारे में काफ़ी बहस हो चुकी है। मुझे बहुत थोड़ा ही निवेदन करना है। समाज और देश की स्वतंत्रता के लिये, देश के निज़ाम को क़ायम रखने के लिये, ला ऐंड आर्डर मेंटेन रखने के लिये और देश की पीस एण्ड ट्रांक्विलिटी क़ायम रखने के लिये ऐसे कानून हमेशा ही बनाये जाते रहे हैं और हमेशा ही क़ायम रहे हैं। मैं समझता हूँ कि अगर हम पिछले ब्रिटिश ज़माने को देखें, या उससे पहले ज़माने को देखें, या उससे भी पहले जिसे हम सतयुग का ज़माना और द्वापर का ज़माना कहते हैं उसमें भी अगर हम जायें तो हम ऐसे क़ायदे मिलते हैं। चाहे वे राजाओं की इच्छा पर निर्भर रहे हों, चाहे अच्छे हों, चाहे बुरे हों, चाहे उचित हों, चाहे अनुचित हों, चाहे वे किसी विशेष समाज के खयाल से बने हों, लेकिन ऐसे बाक़यात हमारे सामने आते हैं। रामायण के ज़माने में भी हम देखते हैं कि श्री रामचन्द्र जी १४ वर्ष तक वनवास में रहे। महाभारत के ज़माने में भी हम देखते हैं कि अज्ञातवास पांडवों का रहा। हां, उस ज़माने में यह बात थी कि

लोगों को अपने ऊपर इतना कंट्रोल था कि वे खुद ही उन पाबंदियों को मानने के लिये तैयार होते थे। लेकिन आज के ज़माने में जब कि वे असूल और सिद्धांत कायम नहीं रहे हैं तो इस प्रकार के क़ानूनों का बनाना आवश्यक हो गया है और इस प्रकार के क़ानून बनाये जाने चाहियें जिससे कि कहीं भी समाज विरोधी तत्वों को, समाज विरोधी व्यक्तियों को, समाज विरोधी संस्थाओं को और खासकर मज़हबी खयाल के लोगों को तथा पार्टी विशेष को ऐसा प्रचार करने का मौका न मिले जो देश के लिये अहितकर हो। अभी डा० कुंजरू ने भी यह फ़र्माया था कि हमारे होम मिनिस्टर साहब ने जो यह कहा था कि हम इस बिल को सिर्फ़ मीयाद की तौसी के लिये ला रहे हैं, कोई नया बिल सामने नहीं ला रहे हैं, और उसके बारे में उन्होंने कुछ एतराज़ फ़र्माया था, मेरा उनसे निवेदन है कि हम चाहे पूरे बिल को लाये होते या उसकी मीयाद बढ़ाने के बिल को लाये हैं, उससे कोई अंतर नहीं पड़ता। एक बिल जिसके सारे पहलुओं पर ग़ौर हो चुका है, बहस मुनाहि़सा हो चुका है, उसके बाद उसे सिर्फ़ मीयाद बढ़ाने के लिये हम लाते हैं तो इसमें कोई बेज़ा बात नहीं है। लोग यह सोचते हैं कि आज देश में वे हालात नहीं हैं जिन हालात में सन् १९५० में यह ऐक्ट पास हुआ था। मेरा तज़ुर्बा यह है कि आज उससे भी बदतर हालात पैदा हो गये हैं। कुछ स्वार्थी लोग, कुछ खास प्रकार के लोग किस प्रकार की बातें करते हैं यह हम आज देख रहे हैं और जैसा कि मेरे एक मा० मित्र ने कहा था, हम पंजाब में देखते हैं कि सेव हिन्दी के नाम पर, हिन्दी को बचाने के नाम पर वहां एक एजीटेशन चल रहा है। वह एजीटेशन क्या है? वह दरअसल, यह कहा जाता है, आर्यसमाज का है। मैं आर्यसमाज के ज़िले के एक अध्यक्ष (प्रधान) के नाते यह कहता हूँ कि यह बात आर्यसमाज के ऊपर लांछन है। जब हम किसी एक चीज़ को समझ लें कि वह ठीक नहीं है देश के हालात के निहाय से, उससे देश का वातावरण

खराब होता है, या दूसरे प्रकार के खयालात लोगों में पैदा होते हैं तब हमें निश्चय ही उस चीज़ को छोड़ देना चाहिये। मैं निवेदन करूंगा कि "सेव हिन्दी" का जो एजीटेशन चल रहा है वह निहायत ही बेजा है और उसकी देश में कतई आवश्यकता नहीं है और न हिन्दी के लिये उसकी आवश्यकता है। जब हिन्दी को हम कन्याकुमारी से लेकर उत्तर खंड तक और पूर्व से पश्चिम तक बराबर हिन्दी को राष्ट्र भाषा मान चुके हैं, तब फिर इस प्रकार की छोटी मोटी बातों के ऊपर अपने खयालात को खराब करें, इस प्रकार का एजिटेशन करें, मैं समझता हूँ यह चीज़ हिन्दी को निश्चय ही नुकसान पहुंचाने के मार्ग में है और यह हिन्दी को सेव करने के लिये, हिन्दी को बचाने के लिये या उसकी रक्षा के लिये कदापि नहीं है। यह आंदोलन ऐसा दुर्भाग्यपूर्ण है कि इससे दूसरे प्रदेशों में हिन्दी के खिलाफ़ खयालात पैदा हो रहे हैं। इसलिए मैं इस प्रकार के एजीटेशन के जो संचालक हैं, जो उसको चलाने वाले हैं, उनसे निवेदन करूंगा कि वे कम से कम देश की एकता के नाते और देश में हिन्दी के बारे में जो अच्छे खयालात पैदा हो गये हैं उनको न बिगड़ने देने की गरज़ से, इस प्रकार के अमल को छोड़ें तो ज्यादा अच्छा है ताकि देश में इस प्रकार का वातावरण न बने जिससे हिन्दी के बारे में लोगों का खयाल खराब हो जाय।

मेरा यह निवेदन है कि हमको इन हालात को देखते हुए इस प्रकार के ऐक्ट की आवश्यकता पड़ती है। एक मित्र ने अभी कहा था कि हाल में दक्षिण में भी कुछ ऐसे वाकयात हुए। जब हमारे सामने ऐसे वाकयात आते हैं तब हम यह समझ लें कि इस समय इस बिल की आवश्यकता नहीं है मेरी समझ में यह खयाल कुछ मुनासिब नहीं है। मुझ सम्प्रेम है कि हमारे एक कम्प्यूनिस्ट भाई जनक सायी हमेशा विदेशों की तरफ़ ही देखते रहे हैं, रूम की ही तरफ़ देखते रहे हैं, वे इस बारे

[श्री राम सहाय]

मैं कोई दूसरे खयाल रखते हैं। आप देखिये सन् १९४२ के आंदोलन के समय, लड़ाई के जमाने में उन्होंने हमेशा ही कांग्रेस के विरोधी विचार ही प्रकट किये। मैं समझता हूँ व कभी सही रास्ते पर जाने का प्रयत्न नहीं करते। आप देखिये कि रूस वाले हमारे यहां के नेताओं की कितनी क्रूर करते हैं, उनकी गाइडेंस चाहते हैं, उनके मशविरे के मुताबिक काम करना चाहते हैं, मगर हमारे जो मित्र हैं उनकी नज़र उनके अच्छे गुणों की तरफ नहीं जाती जिस तरह कि रूस वाले भी देखते हैं और देखने का प्रयत्न करते हैं। तो वे रूसी जिनकी गाइडेंस अथवा मशविरे चाहते हैं उनका भी खयाल न करके यह हमारे विरुद्ध हो जाते हैं। इसलिये मेरा निवेदन है कि हम उनसे उम्मीद नहीं कर सकते कि वे सही तरीके पर विचार करेंगे। आप गौर कीजिये, मेरे मित्र भूपेश गुप्त जी ने ही कुछ अमेंडमेंट पेश किये हैं जिनसे उनके खयालात का इजहार होता है। उनसे यह बात सामने आती है कि वे किस प्रकार सोचते हैं। उन्होंने पहले अमेंडमेंट में यह चीज़ रखी है कि जिस प्रकार जम्मू और काश्मीर को बिल के क्षेत्र से अलग रखा गया है उसी प्रकार केरल को भी उसके साथ शामिल करके अलग कर दिया जाय। मुझे अफ़सोस के साथ कहना पड़ता है कि उन्होंने काश्मीर के इतिहास के ऊपर भी ध्यान नहीं दिया या फिर किसी आवेग में आ कर उन्होंने इस प्रकार का अमेंडमेंट रख दिया। जब से काश्मीर और जम्मू भारत में शामिल हुआ है तब से वह दिन प्रति दिन भारत के निकट से निकटतर आ रहा है और हम देखते हैं कि हमारा कांस्टिट्यूशन ज्यादा से ज्यादा वहां लागू हो रहा है। काश्मीर और जम्मू तो हमारे निकट आ रहा है लेकिन हमारे मित्र, केरल वाले, यह चाहते हैं कि हिन्दुस्तान से हम एक प्रकार से अलग ही सम्बन्ध रखें या सम्बन्ध विच्छेद कर लें और वहां इस

प्रकार का अलग शासन बना लें। इस प्रकार का व्यवहार किसी तरह भी उपयुक्त नहीं कहा जा सकता और किसी भी हालत में उचित नहीं ठहराया जा सकता। मैं अपने मित्रों से अपील करूंगा कि वे काश्मीर और जम्मू के इतिहास पर विचार करें, उन हालात पर विचार करें जिन हालात पर उसको कुछ थोड़े से कंसेशन दिये गये हैं और जिनके मुताबिक कांस्टिट्यूशन में उनके लिये कुछ अलग प्राविजंस रखे गये थे जो अब समाप्त होते जा रहे हैं। लेकिन केरल की वह हालत नहीं है। केरल को इस तरह से नहीं सोचना चाहिये और खास कर उस वक्त जब कि जम्मू और काश्मीर भारत के बिल्कुल करीब आ रहा है, हमारे साथ होता जा रहा है। इसलिये मेरे मित्र का केरल के बारे में इस तरह से सोचना मैं मुनासिब नहीं समझता हूँ।

इसके बाद उन्होंने अपने एक अमेंडमेंट में यह बात भी कही है कि इस कानून को इमर्जेंसी के वक़्त इस्तेमाल किया जाये। मैं समझता हूँ कि जो हालात पंजाब में चल रहे हैं, जो हालात दक्षिण में चल रहे हैं उनसे ज्यादा इमर्जेंसी और क्या हो सकती है। क्या इसके लिये यह बात काफी नहीं है कि हमारे देश में जो कानून बने वे इस प्रकार के कानून हों जिनसे लोगों पर थोड़ा सा आतंक रहे और उस आतंक की बिना पर वे गलत तरीकों पर, गलत रास्ते पर जाने से परहेज करें। तो मैं समझता हूँ कि इस सम्बन्ध में इस तरह नहीं सोचना चाहिये।

इस बिल में प्रिवेंटिव डिटेन्शन के सिलसिले में खासतौर पर यह सहूलियत रखी गई है कि एक बोर्ड बनाया गया है जिसमें हाईकोर्ट जज की लेबुल के आदमी रखे गये हैं। मैं समझता हूँ कि जिन वाक्यात पर एक गवर्नमेंट किसी आदमी को गिरफ्तार करती है वे जब हाईकोर्ट के जज के सामने आते हैं तो वे अन्य कानूनों के सब ही उसूल सामने रख कर और विवेकशील विचार करके फैसला देते हैं। तब फिर यह कहना कि इस प्रकार

का कानून बेजा कानून है, यह मंसूख हो, इसकी आवश्यकता नहीं है, यह सब बातें कहना किसी तरह उचित नहीं हो सकता ।

यह कहा जाता है कि आज देश में वे हालात नहीं हैं जिन हालात के अन्दर यह कानून बनाया गया था । जिन हालात की बिना पर यह कानून पहले बनाया गया था तब उसमें यह बात रखी गई थी कि किसी आदमी को जिला मीयाद के गिरफ्तार रखा जा सकता था, लेकिन उसके थोड़े दिन बाद जब हालत मालूम हुई तब उस की मीयाद एक साल कर दी गई और वही एक साल की मीयाद अब भी कायम है । तो मैं समझता हूँ कि इस तरह का खयाल करना मुनासिब नहीं है ।

जैसा कि मैंने पहले अर्ज किया था, हुकूमत यह बात तो हमेशा ही ध्यान में रखेगी कि व्यक्तिगत स्वतंत्रता को हम ज्यादा महत्व नहीं दे सकते समाज और देश के हित के आगे । जब हम समाज और देश के लिये इस प्रकार का खयाल रखते हैं तब निश्चय ही हमें इस बात की आवश्यकता महसूस होती है कि हम इस प्रकार के कानून बनायें । सरकार को इस प्रकार के कानून बनाने का कोई शौक नहीं होता है । पार्लियामेंट में आप और हम सब बैठते हैं और हमारे लिये जरूरी है कि अच्छे निजाम की खातिर इस प्रकार के कानून हालात को समझ कर बनाये जिनकी देश को आवश्यकता मालूम होती है । मैं समझता हूँ हम किसी भी देश के किसी भी काल के शासन में चले जायें, हम यह देखेंगे कि इस प्रकार के कानून हर एक प्रकार के शासन में बनाये जाते हैं और बनेंगे क्योंकि जब तक ये बनेंगे नहीं तब तक उसका शासन ठीक तरीके से चल नहीं सकता है । हम देखते हैं कि आज हमारे देश में कम्यूनलिज्म के नाम पर, साम्प्रदायिकता के नाम पर, हिन्दी के नाम पर, जातिवाद के नाम पर, ब्राह्मण और अछूत के नाम पर, साधारण से साधारण चीजों के ऊपर, लोग इस प्रकार के

एजिटेशन करते हैं कि एक जाति दूसरी जाति को नष्ट करने के बारे में सोचती है, विचार करती है और उसका प्रचार करती है । तब हम अगर इस प्रकार के कानूनों को न लावें तो देश का इंतजाम देश का निजाम ठीक तरह के पर चल नहीं सकता । इसलिये मैं समझता हूँ कि इस बिल की मीयाद में तैसी करने के लिये जो बात रखी गई है वह बहुत मौजू है । मैं तो यह समझता हूँ कि जहां तक हमारे देश के ला एंड आर्डर का, पीस एंड ट्रान्किलिटी का सवाल है, सभी पार्टियों को गवर्नमेंट के साथ पूरा पूरा सहयोग करना चाहिये, उनको सरकार को सहयोग इसलिये देना चाहिये कि हमारे शासन की जो प्रजातन्त्र की पद्धति है वह किसी एक खास पार्टी के लिये नहीं है, वह तो सारे देश के लिये है । आज कांग्रेस पार्टी का शासन है तो कल को दूसरी पार्टी का शासन आ सकता है, जैसा कि हमने प्रत्यक्ष देखा है केरल में । किसी भी शासन में, चाहे उसके सिद्धांत कितने ही अच्छे क्यों न हों, कितनी ही खूबियां उनमें हों, समस्याएँ और दिक्कतें रहा करती हैं । इसलिये यह सोचना गलत है कि उनको इस प्रकार के कानून की कोई आवश्यकता नहीं है ।

मेरे मित्र ने एक बात यह भी कही कि अगर कहीं कोई लेजिस्लेचर किसी प्रकार से इस ऐक्ट को नहीं चाहता है तो वहां के लेजिस्लेचर का प्रस्ताव इस प्रकार होने पर वहां पर इसे लागू न किया जाना चाहिये । मैं समझता हूँ कि यह तो कोई ऐसी बात नहीं है कि कोई लेजिस्लेचर इस प्रकार की बात सोच सकता है या ऐसा फैसला कर सकता है या उसे ऐसा करना चाहिये या उसे ऐसा करने का अधिकार होना चाहिये, लेकिन भारत सरकार जिसने भारत में ला एंड आर्डर कायम रखना है वह इस तरह की छत नहीं दे सकती है और न उसे हरगिज देनी चाहिये । एक बात यह कही गई है कि एम० एल० एज० को इस ऐक्ट से बरी रखा जाये । मैं समझता

[श्री राम सहाय]

हूँ कि ऐसा हरगिज न किया जाना चाहिये। इस बात की गारन्टी कहाँ है कि वे इस प्रकार की छूट दिये जाने से उसका दुरुपयोग नहीं करेंगे क्योंकि वे लोग असर वाले होते हैं और उनसे भी ज्यादा से ज्यादा दुरुपयोग होने का डर हो सकता है।

मैं समझता हूँ कि यह बिल जो हमारे सामने आया है, हिन्दुस्तान की आजकल की हालत को देखते हुए आवश्यक है और इसको कायम रखना चाहिये। इन शब्दों के साथ मैं इस बिल की तारीफ करता हूँ।

श्री जुगल किशोर (पंजाब) : उप-सभाध्यक्ष, मैं इस साल ही राज्य सभा के सदस्य के तौर पर इस अगस्त असेम्बली का मेम्बर चुना गया हूँ। सन् १९५४ में प्रिजेंटिव डिटेंशन ऐक्ट पास किया गया था और उसकी अवधि दिसम्बर सन् १९५७ तक थी; उस समय मैं राज्य सभा का मेम्बर नहीं था। उस समय जो आनरेबल मेम्बर इस राज्य सभा के मेम्बर थे उन्होंने इस ऐक्ट को सन् १९५७ तक के लिये पास किया था। आज हाउस के सामने एक निहायत सादा और सिम्पल सवाल यह है कि जो हालत सन् १९५४ में थी क्या वही हालत आज भी है या नहीं? क्या उस हालत की निम्नत आज की हालत में कोई बेहतरी हुई है या कोई खराबी आ गई है? अगर तबदीली बेहतरी में हुई है तो मैं उन मेम्बरों में से एक हूँगा जो इस ऐक्ट को लागू करने के लिये हरगिज नैयार नहीं है। लेकिन अगर हालत बेहतर नहीं हुई है, खराब हुई है तो इस प्रि० डे० ऐक्ट को आगे लागू करने में मुझे कोई उज्र नहीं और मैं समझता हूँ कि किसी मेम्बर को भी उज्र नहीं होगा।

अब सवाल आप साहबान के सामने यह है कि इन तीन सालों में मुल्क की हालत क्या रही और आयन्दा क्या होने वाली है। मैं आपकी सेवा में यह अर्ज करना चाहता

हूँ कि दो तरीकों से हम मुल्क की हालत को देख सकते हैं। एक तो बैरूनी हालत है और दूसरी अन्दरूनी हालत है। जहाँ तक इंटरनेशनल सिचुएशन का सवाल है। मैं आपसे अर्ज करूँगा कि जिस तरह की हालत सन् १९५४ में थी वही हालत आज तक चली आ रही है, और इसमें कोई तबदीली नहीं हुई है। सन् १९५४ में काश्मीर का सवाल जिस तरह था आज भी वैसे ही मौजूद है। आज काश्मीर के सवाल पर पाकिस्तान में वह शस्त्र, जो हमेशा सिक्कोरिटी कौंसिल में जा कर दूसरी ताकतों से मिलकर हिन्दुस्तान के खिलाफ तरह तरह की बातें करवाता था, प्रधान मंत्री नियुक्त हो गया है। उसने नियुक्त होने के बाद एलान किया है कि वह काश्मीर में सेल्फ डिटिमेंशन करा के रहेगा। तो ऐसी हालत में जहाँ तक काश्मीर का ताल्लुक है, वह हालत वैसी ही चली आ रही है जो सन् १९५४ में थी।

अब दूसरा सवाल गोआ का है जो कि कुछ उलझा हुआ है। इनमें कोई तबदीली वाके नहीं हुई है। मैं आपके सामने अर्ज करना चाहता हूँ कि हमारे प्रधान मंत्री श्री जवाहरलाल नेहरू जी दानिशमंदाना पालिसी की वजह से और जो हमारी इंटरनेशनल पालिसी है, उसकी वजह से हमारा कुछ नुकसान नहीं हो सका। नहीं तो अगर दूसरी ताकतों की तरफ देखा जाये, तो जिस तरह से उन्होंने हिन्दुस्तान को नुकसान पहुंचाने की चालें चली थीं, अगर वे कामयाब हो जातीं तो हमें भी नुकसान हो जाता। जहाँ तक इंटरनेशनल सिचुएशन का ताल्लुक है, मैं आपसे यह अर्ज करूँगा कि पोजीशन वैसी की वैसी चली आ रही है, जैसी की सन् १९५४ में थी।

अब अन्दरूनी हालत का मुलाहिजा कीजिये। इस हालत के बारे में मैं यह अर्ज करूँगा कि सन् १९५४ के बाद से वह ज्यादा खराब हो गई है। मैं समझता हूँ कि एस० आर० सी० बिल के पास होने के

बाद से बाज सूबों में अफरातफारी की हालत पैदा हो गई है जो कि हिन्दुस्तान के लिये एक बदनमा धब्बा है। सूबा परस्ती को ले कर एक दूसरे के खिलाफ क्या क्या बातें कही जा रही हैं, मुझे उनको यहां पर दोहराने की जरूरत नहीं है। आज हम देखते हैं कि महागुजरात और संयुक्त महाराष्ट्र समिति वाले अपने अपने प्रान्त के लिये लड़ रहे हैं, बम्बई के लिये लड़ रहे हैं। यह तहरीक अभी तक दबी नहीं, चल रही है। जिससे एक दूसरे के दिल में मनमुटाव पैदा हो रहा है, जोकि एक खराब बात है। मैं आपको बताऊं कि अभी हमारे महबूब लीडर, प्रधान मंत्री जी, छत्रपति शिवाजी की मूर्ति की नकाबकुशाई के लिये प्रतापगढ़ तशरीफ ले गये थे। उस समय हमारे कुछ महाराष्ट्री भाइयों, लीडरों ने, हमारे महबूब लीडर के खिलाफ यह ऐलान कराया था कि उनके जलसे में कोई शरीक न हो और न वहां पर जहां कि शिवाजी की मूर्ति का नकाबकुशाई होनी थी, जायें। आम तौर पर इस तरह का ऐलान करना क्या बतलाता है? लेकिन हमारे महबूब लीडर जनता को इतने प्यारे हैं कि उनके दर्शन करने के लिये लाखों की तादाद में लोग वहां पर मौजूद हो गये और उन्होंने अपने महबूब लीडर के ख्यालात को सुना। जो संस्थायें और समितियां इस तरह का ऐलान करती हैं वे अपने मन्तव्य में अभी भी कामयाब नहीं हो सकती हैं। अगर हम बम्बई को छोड़कर मद्रास की तरफ देखें तो वहां पर द्रविड़ कज़गम के लीडर नायकर का प्रचार सुनते हैं। यह बात सुन कर आज अफसोस होता है कि जिस विधान को हमने अपनी आजादी हासिल करने के बाद इतनी मेहनत से बनाया उसको जलाने का वे प्रचार करते हैं। उस तिरंगे झंडे को जिसकी इज्जत के लिये हम लोगों ने तरह तरह की कुरबानियां कीं, जिसको हम भवन में लगाकर आज हम ज्जत दे रहे हैं, उसको पांवों तले रोंदा जाये यह एक बहुत ही शर्मनाक

बात है। इसके साथ ही साथ मुझे यह भी अफसोस है कि मि० नायकर हमारे पूज्य प्यारे नेता गांधी जी, जिन्होंने हमें आजादी दिलाई थी, की तस्वीर जलाने का और उसको फाड़ फेंकने का प्रचार कर रहे हैं। ऐसी हालत में मैं आपसे पूछता हूं कि क्या प्रि० डि० ऐक्ट को १९५७ के आगे तक के लिये यानी सन् १९६० तक लागू करने की जरूरत इन चीजों को देखकर नहीं है? मेरे दूसरे भाई जो अपोजिशन में ताल्लुक रखते हैं, मेरी इस बात से सहमत होंगे कि जब तक ये हालात नहीं सुधरते, तब तक यह प्रि० डि० ऐक्ट आयन्दा के लिये लागू किया जाना चाहिये।

2 P.M.

श्री ए० बी० कुन्हुम्बु (केरल) :
मेक्शन ३०२ लागू नहीं है ?

श्री जुगल किशोर : अगर वहां प्रिवेंटिव डिटेन्शन ऐक्ट लागू नहीं है और आयन्दा लागू होने की जरूरत नहीं है तो उनको डरना नहीं चाहिये। क्या डर है? अगर वे अच्छी तरह चलेंगे, अगर वे अपने सूबे में अमन रखेंगे तो उनको इसे लागू करने की जरूरत ही नहीं होगी। लेकिन दूसरे सूबों में जहां इस किस्म का बदअमनियां फैलाई जा रही हैं, फिरकापरस्ती बेदार हो रही है वहां इस ऐक्ट का लागू होना निहायत जरूरी है। मैं पंजाब से ताल्लुक रखता हूं और पंजाब की तरफ आपकी तबज्जह दिलाना चाहता हूं कि वहां क्या हो रहा है। मेरे भाई पंजहजारी जी ने पंजाब के हालात पर बहुत काफी रोशनी आपके रूबरू डाली है। मैं भी कहूंगा कि पंजाब के हालात अच्छे नहीं हैं। पहले पंजाबी सूबे का नारा लगाया गया, फिर महा पंजाब प्रान्त का नारा लगाया गया और फिर हरियाना प्रान्त का नारा लगाया गया। इस किस्म के सारे नारे फिरकापरस्ती पर मबनी थे। लेकिन पंजाब की स्टेट मिनिस्ट्री ने और सेंटर के लीडरों ने मिल कर एक रीजनल फार्मूला लागू

[श्री जुगल किशोर]

किया। उस वक्त जब कि स्टेट्स रिआर्गनाइजेशन बिल पास हुआ तो हमारे बहुत से सूबों में अगड़े फसाद हो रहे थे और खयाल यह था कि पंजाब में भी अगड़ा हो, लेकिन रीजनल फार्मूला बना कर हमारे पंजाब के लीडरान ने और सेंटर के लीडरान ने जो दानिगमंदाना और तदबुराना कदम उठाया उसने उस वक्त पंजाब को बचा लिया। फिर भी वह फिरकापरस्त जो कि यह चाहते थे कि पंजाब में भी गड़बड़ी हो, पंजाब में भी अमन खतरे में पड़े कब चूकने वाले थे। उन्होंने हिन्दी रक्षा समिति के नाम से एक हिन्दी एजेंडेशन शुरू कर दिया। हिन्दी की रक्षा का मतान में नहीं समझता कि कहां पैदा होता है। हिन्दी हमारी राष्ट्र भाषा है। ऐसा कौन भाई है जो हिन्दी की रक्षा नहीं चाहता। यह एक स्टैंट है। जैसा कि मेरे एक भाई ने बताया, यह महज एक स्टैंट के तौर पर इस्तेमाल किया जाना है ताकि देहाती यह समझें कि हिन्दी पर अत्याचार हो रहा है, हिन्दुओं पर अत्याचार हो रहा है, हिन्दुओं की सुनवाई नहीं होती है, सिख राज्य हो गया है। इस तरह से भड़का कर लोगों को सत्याग्रह के लिये तैयार किया जाता है। लेकिन जब वे भी अच्छी तरह से जान जाते हैं कि दरअसल यह मामला नहीं है, हिन्दी पर कोई अत्याचार नहीं हो रहा है, हिन्दी की रक्षा हर एक चाहता है तो वे भी सत्याग्रह में शामिल होने से गुरेज करते हैं। इस सिलसिले में मैं पंजाब का एक वाक्या बयान करना चाहता हूँ जैसा कि महाराष्ट्र में भी हुआ कि हमारे मुहतरिम लीडर पंडित जवाहरलाल नेहरू जी जहां पहुंचें वहां इस किस्म का एक प्रचार किया जाये कि कोई भी उनका लेक्चर या उनके खयालात सुनने के लिये तैयार नहीं हैं। चूनांचे अभी पिछले दिनों ६ नवम्बर को हमारे मुहतरिम लीडर दो रोज के लिये पंजाब में दौरा पर गये। उनके वहां पहुंचने से पहले जब उनके आने की खबर फिरकापरस्तों के पास पहुंची, तो

उन्होंने क्या किया। उन्होंने ऐलान कर दिया कि तमाम पंजाब में उस रोज हड़ताल की जाये और पंजाब में कोई भी फई व बशर और खामकर कोई हिन्दू पंडित जी का लेक्चर सुनने के लिये न जाये। लेकिन मैं आपसे अर्ज करूँ कि ६ नवम्बर, सन् १९५७ को मैं चंडीगढ़ गया और मैंने देखा कि जब कि पंडित जी का लेक्चर होता था उसके कई घंटे पहले से लोगों ने इधर उधर से, गांव गांव से, और बहुत बहुत दूर से आना शुरू कर दिया था और चार पांच घंटे पहले आकर वे जत्सागाह में बैठ गये थे। एक लाख से ज्यादा आदमी वहां इकट्ठे हो गये थे और उन एक लाख के मजमे में पिन ड्राप साइलेंस से एक एक घंटे तक हमारे मुहतरिम लीडर, पंडित जवाहरलाल नेहरू जी के खयालात को सुना। पंडित जी ने क्या फर्माया वहां? उन्होंने कहा कि मैं हिन्दी रक्षा समिति वालों से प्रार्थना करना चाहता हूँ, दरखास्त करना चाहता हूँ कि वे संजोदगी से मुझे और पंजाब के अमन को खतरे में न डाल कर संजोदगी से विचार करें और हिन्दी रक्षा समिति के जो खयालात हैं, जो उनकी मांगें हैं, उन पर विचार करके आपग में बैठ कर फैसला करें। ये खयालात जब लोगों ने सुने और उन्हें यह मालूम हुआ कि वाकई पंडित जी हिन्दी के खिलाफ नहीं हैं तो लोगों ने बहुत वाह वाह की और वे बड़ी खुशी खुशी जत्सागाह से चले गये। लेकिन मैं आपको सेवा में अर्ज करूँ कि उसी रोज दूसरी जगहों पर, जहां पंडित जी को नहीं जाना था, फिरकापरस्तों की तरफ से यह ऐलान किया गया कि उस रोज हड़ताल की जाये और लोगों ने हड़ताल करने से गुरेज किया। मैं हिसार का, जहां कि मैं रहता हूँ, वाक्या आपके सामने रखना चाहता हूँ जिससे आपको मालूम होगा कि ये फिरकापरस्त किम हद तक जाने को तैयार हैं। ६ सितम्बर, सन् १९५७ को वहां के आर्यसमाज के लीडरों ने और जन संघ के लीडरों ने यह ऐलान किया कि हिमार में हड़ताल की जाये।

दूसरी तरफ मे कांग्रेस के भाइयों ने और वहाँ के बड़े बड़े व्यापारियों ने मिलकर एक ऐलान शायद किया कि ऐसी हड़ताल से कुछ फायदा नहीं है और हड़ताल नहीं होनी चाहिये। हमारे मुहतरिम लीडर आज पंजाब आ रहे हैं और हमको उनकी इज्जत रखनी चाहिये और उनकी इज्जत को रखते हुए हमको अपने व्यापार को जारी रखना चाहिये। क्या हुआ ? बहुत से लोगों ने हड़ताल नहीं की और अपनी दुकानें खुली रखीं। इस पर आप देखिये कि क्या होता है। आर्य स्कूल और कालेज के लड़के निकले, जन मंथियों को साथ लिया और जिस दुकान को खुला देखते थे उसको बन्द करने के लिये मजबूर करते थे। जो दुकानदार अपनी दुकान बन्द नहीं करते थे . . .

श्री ए० बी० कुन्हुम्बु : किम वास्ते हिन्दु लोगों को मुसलमानों को मजबूर करने के लिये ?

सरदार रघुबीर सिंह (पंजहजारी) : जो नहीं पढ़ेगा उसे कोई मजबूर नहीं करेगा।

श्री जुगल किशोर : अगर मजबूर किया जाये तो उसका यह तरीका नहीं है कि एक एक दुकान पर जा कर उन लोगों को मजबूर किया जाये और उनकी मर्जी के खिलाफ दुकानें बन्द करने के लिये कहा जाये। जो भी दुकान बन्द नहीं करता था उसको खींच कर दुकान से उतार लिया जाता था। एक वज्राज ने मुगलमन इरादा कर लिया था कि मैं कनई दुकान बन्द नहीं करूंगा। लेकिन उसका नतीजा यह हुआ कि ईट, गोड़ा, मिट्टी, डारा जो कुछ था वउ सब उसकी दुकान के अन्दर उस हुजूम ने भर दिया।

श्री अभिमन्यु २थ : सन् १९४२ में कांग्रेस ने यहाँ सिक्काया था।

सरदार रघुबीर सिंह (पंजहजारी) : जो अब कम्युनिस्ट कर रहे हैं।

श्री जुगल किशोर : अगर यही सीखना है और इसी तरह आपको अमन बरकरार रखना है, तो फिर न प्रिवेंटिव डिटेंशन ऐक्ट और न कोई ऐक्ट काम दे सकता है। अगर आप इसी तरह प्रचार करेंगे तो जो भारतवर्ष का आजादी मिली है वह दूसरों के हाथ में चली जायेगी।

(Time bell rings.)

मैं आपकी सेवा में अर्ज कर रहा था कि वहाँ मैजिस्ट्रेट खड़ा हुआ उनको समझाता रहा, लेकिन उन्होंने किमी की बात नहीं सुनी। तो जहाँ इस किस्म की कार्यवाहियाँ होती हैं, वहाँ क्या वे मामूली कानून से दबाई जा सकती हैं? वहाँ पर तो प्रिवेंटिव डिटेंशन जैसे कानून हो काम दे सकते हैं। इसके अलावा एक चीज मैं आपकी सेवा में अर्ज करना चाहता हूँ और वह यह है . . .

(Time bell rings.)

2 P.M.

SHRIMATI K. BHARATHI (Kerala): Mr. Vice-Chairman, as I was listening to the debate, it suddenly dawned upon my mind that the Home Minister has made a fundamental mistake in introducing this Bill to extend the life of the Preventive Detention Act Sir, after the fashion of those who call a ruthless dictatorship as 'people's democracy' and fomenting of war hysterics against certain countries as 'peace movements', the Home Minister should have changed the name of the Preventive Detention Act as 'The Enlargement of Freedom Act' and then only sought to have it extended. Sir, democracy came to us in one instalment and in its fullness, because the Congress wanted to live up to its professions and principles. As we all know, in other countries it has evolved and spread out through a few centuries. Ours is a case of planting

[Shrimati K. Bharathi.] the seedling of democracy without a clear felling of the forest, without the extermination of all wild life. Sir, the wild animals are let loose to trample over, or to graze on, or to pull out the seedlings by their very roots. We are so broad-minded in our outlook that we want to protect even the wild life. But at the same time we do want to protect the seedlings also. Once it has taken its root deep in the soil, once it has gone up to a certain height, there will be no need of such Preventive Detention Act or protective fence at all. It will then be beyond the reach of all types of wild animals. The Preventive Detention Act is only a protective fence around the young Indian democracy which is only 7 years old. When we seek to extend it for three years, we hope that this plant may grow up to a height so that it will be beyond the reach of any wild animals, and if I may say so, the wild animals may become domesticated and harmless. Now I can understand the wild bear getting furious at the fence. It is his sacred right to destroy this young plant.

Then, Sir, I was rather amused to hear that the great and noble State of Kerala has set its face against the extension of the Preventive Detention Act. Perhaps the persons who would come under the purview of this Act may be members of the ruling party in Kerala who are prompted to commit violence under the guidance of the Government, or perhaps when there are the so-called 'cell courts', why should there be any Act at all for Kerala? All the same, I will not be surprised if they make use of this Act. I can assure the House that if at all they make use of this Act, it will be for purely political ends. Sir, the House may be remembering how our Communist comrades here fought the Bill to make the P. and T. strike illegal. But you will open your eyes wide when I say that they in Kerala have declared illegal a strike in a rubber factory in Trivandrum, and another strike among

the workers of Malaria Control. (Interruption.) I only wanted to say that one need not accept the statements of the Kerala Government at their face value. They profess one thing and they do just the opposite. They profess that the police need not interfere in landlord-tenant disputes. But what have they themselves done in Kizupally in Cannanore. Sir, there steel-helmeted Malabar Special Police were sent to burn* down 40 huts, lathi-charge and chase out the poor cultivators who claimed to have been living there for the last two or more years under lawful possession and under a landlord. Sir, it is very funny. The ownership of this property is under dispute between a hill tribe to whose temple this property belongs, and a Muslim Haji who possesses 50,000 acres of land. Now, Sir, the Kerala Government is going diametrically opposite to their much-trumpeted 'anti-eviction' law. The Malabar Special Police is being stationed at that place still to protect the land-owning Haji against the poor cultivators. I simply stated this to show that we need not take it that the Kerala Government will go by their professions.

Sir, when one hears the torrent of words coming out of the mouth of my very truthful friend, Mr. Bhupesh Gupta, who has just returned from abroad with his battery charged afresh and with fresh inspiration, one is tempted to ask in all humility "Where is 'Imre Nagy', the Prime Minister of Hungary? Is he under preventive detention or offensive detention?" Sir, has there been a fair trial anywhere in the Communist countries at any time? Sir, have we not the testimony of no less a person than Comrade Khrushchev regarding the way human beings *were* liquidated under the slightest suspicion by Marshal Stalin, and are not our Communist comrades recruited under the red flag of Stalin, and are they not worshipping his ways even now? Sir, I wonder how does it lie in their mouth to oppose this Bill on principle

except on the principle of being unprincipled?

Sir, it is sought to be made out on the floor of this House that a coterie in power wants to cling on to power by making use of this 'Black Act'. Sir, allowing a set of people who engineered murder and loot during the post-independence days, to take over power in a most peaceful way in one of the States is no indication of any inclination to cling on to power at any cost.

I hope that some of our friends here will take a lesson from Kerala as to where an alliance with Communists will lead them and the country. Your love for wild life shall not lead you to the point where you want to graze on the sweet and tender seedlings of your own freedom.

I support the Bill. Thank you, Sir.

SHRI JASWANT SINGH (Rajasthan): Mr. Vice-Chairman, yesterday evening the hon. Home Minister brought a motion before this House that the Preventive Detention Act should be given a further life of three years. Sir, I have been all along watching with great care Pandit Pant's reactions, because some eight years ago, in 1950, when this Preventive Detention (Continuance) Bill was brought before the Provisional Parliament by late Sardar Patel, it was my good fortune to be a Member of that House then also, and it was also my good fortune to sit on the Opposition benches as it is now. And the strong man as Sardar Patel was, or I should say, the iron man, in the Congress hierarchy, he stated that even though conditions at that time were what they were in the country when he thought of bringing this Bill before the House, he had to spend several sleepless nights because he thought that it was a very bad thing. Then, Sir, after the sad demise of Sardar Patel, Mr. Rajagopalachari became the Home Minister. And it was his turn to ask the House to extend the life of the Preventive

Detention Act. And he stated while piloting the Bill and gave the assurance that it was being done with a very heavy heart and that action would be taken against officers if they misused the powers under this Act. Thereafter, Sir, Dr. Katju was the Home Minister, and while piloting the Bill he gave a solemn assurance that the provisions of the Act would not be used to suppress any political party in the country. Political opinion was never a ground for detention under the Act. The hon. Home Minister challenged the critics to quote a single instance where the Act had been abused. Now we have seen that when our present leaders who are running the Government were not in office and were not so responsible, what they have been stating against such laws at the time of the British. It has already been amply stated by Shri Gupta and Pandit Kunzru and others and I need not repeat it I can well understand that the position then before them was different and now that the powers of Government and responsibility have fallen on their shoulders it is a good thing that they have come to realise that as irresponsible persons they could hold any views and while responsibility has been thrown on them, the picture is very different. That is good as far as it goes but the question remaining is this, that we are supposed to have drawn our inspiration for our political institutions from Western democracies and mainly Great Britain. The grounds which the Home Minister placed before the House in seeking the extension of the life of this Act do not at all seem to be convincing for the simple reason that our Government should have no distinction between profession and action and they should act in the manner in which they profess before the whole world—it is a common thing that at least to ourselves we arrogate the position that we are the moral leaders of the world and it is an open fact—so, if we profess something else and act in a different manner, it

is not only not honest but it is not in

[Shri Jaswant Singh.] keeping with the position which our country holds today in the comity of nations. So I would submit and it has already been stated by several Members and I need not repeat it, that in regard to laws like this, the position in Great Britain is different; can anybody for a day be held there without a trial? Even in a war or such like emergencies, great precautions have to be taken to see that civil liberties of the people are not curtailed at all but I don't think there is any emergency in the country. There is no war and I don't see why an Act like this should have a place in our country. It is human psychology that even hardened criminals start from a moderate beginning. An iron man, a strong man like Sardar Patel had to spend several nights without sleep when he felt it necessary to bring a Bill like this before the House: It is not surprising that a kind-hearted man like Pandit Pant should have become hardened as he has become now. As far as the civil liberties are concerned, if things go on like this, we are working under democracy and it is true and theoretically it is perfectly true but in practice it is an one-party Government. When there is another rival party in the country which can oust the Congress for its acts of commission and omission, only then real democracy will dawn in the country, but till then, we are as much a dictatorial Government as any totalitarian Government can be. Nobody can challenge . . .

HON. MEMBERS: Question.

SHRI JASWANT SINGH: Nobody can challenge the present Congress Government. They can ride roughshod on civil liberties as they have been doing. They have done it. We have seen that even in totalitarian States during the last 8 or 10 years, people of their country or the civil population, have not been shot anywhere in such large numbers. But what has been happening in this coun-

try? In Bombay and elsewhere people like Maharashtrians have been shot like dogs in the streets and then what that great leader of Bombay did was, by way of expiation, thinking that it would undo his sins, to go on a fast for a week and he thought that by doing this all his sins had been washed away. The day of reckoning would come to everybody and nobody can get away from it. At present the Congress Government is a single-party Government and they can get away with it but this will not live long. If they are in power for another 10 years, I dare say that this Bill which is at present an emergency measure would be on our Statute Book as a permanent measure, because when even crimes like goondaism, harbouring of decoits etc., are to be brought under the purview of an Act like this, then certainly before long we hope to see that all the crimes will be brought under this Act and the science of criminology or the Criminal Procedure Code will have no place in our Statute Book.

I have to cite a few instances to show how far our profession and our actions go side by side. We are a big nation and we have assumed to ourselves the moral leadership of the world. We have to justify this. We cannot have two standards one for our dealings in international affairs and another for our national affairs. We have been told and as a matter of fact I stated a little while ago, that Dr. Katju when he was the Home Minister, challenged the critics to quote a single instance where the Act had been abused. It will be my good-luck to give practical instances that it has been done so and the Home Minister yesterday claimed that this Act has nothing to do with the rival political parties and it is being applied very carefully and with circumspection and that no political parties can have any grouse whatsoever. I would, first of all, like to show some facts from the statistical information that has been supplied to us by the Home Minister. This tells us that the people

who have actually been kept under detention are Communists, there are P.S.P. people, there are people from Forward Bloc, then there is from Indian Democratic Congress and then there is from Hindu Mahasabha. Then they say there are ex-Congressmen. Not a single Congressman has been held under detention so far as this concerned.

SHRI T. S. PATTABIRAMAN: They are all law-abiding.

SHRI JASWANT SINGH: I am going to show.

SARDAR RAGHBIR SINGH PANJHAZARI: I want some clarification..

SHRI JASWANT SINGH: I ad. not yielding. Sir, the Akalis are very happy now because they are in very holy alliance and it suits both of them. So they need not worry. If these circumstances continue in Punjab for the next ten years, I would say and I do hope that I will be wrong, that Punjab will be another Pakistan—and I only hope and pray to God that I would be wrong but by the way and the trend that events are taking, it is bound to ben—and then if any Hindu would be able to live in Punjab after the next 15 years, it will be a miracle and God's mercy.

SARDAR RAGHBIR SINGH PANJHAZARI: Absolutely wrong.

SHRI JASWANT SINGH: I would like to point out that these people are usually belonging to the Communist Party, or the P.S.P. or ex-Congressmen, Forward Bloc or Hindu Sabha-ites, either for harbouring dacoits or something like that.

SHRI SHEEL BHADRA YAJEE (Bihar): But no jagirdars?

SHRI JASWANT SINGH: No Jagirdars are there, unfortunately. If there had been jagirdars, then certainly they also would have been here.

95 R.S.D.—4.

AN HON. MEMBER: But the . . .

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): No interruptions, please. He has only two more minutes.

SHRI JASWANT SINGH: Only two more minutes? But I have been so much interrupted.

SHRI BHUPESH GUPTA: I think a little more time should be given to him, Sir.

SHRI JASWANT SINGH: What I am submitting is that this has not been applied to any Congressman. But it can be proved that in Rajasthan most of the people who are either smugglers, who smuggle out essential things to Pakistan, are nobody but Congressmen, because they alone can dare to do so. The whole district of Churu is held in terror by Congressmen, because nobody can touch them.

SHRI BHUPESH GUPTA: Congressmen become smugglers?

SHRI JASWANT SINGH: But other people who are not concerned are dealt with. Since time is running out. I will not give many instances.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): It has already run out.

SHRI BHUPESH GUPTA: But it is all very interesting.

SHRI JASWANT SINGH: I want to accept the challenge of the hon. Minister to give a single instance. I can give many instances where this Act has been misused. First of all take the case of Shri Om Prakash, a responsible man, the President of the Punjab Beopari Mandal:

"One of the grounds for his detention is that one Mr. Subar-wal while being taken under the ' Hindu agitation in Punjab by policemen got his hand very badly fractured and he was almost bleeding to death. In the Patiala hospital, Mr. Om Prakash on

[Shri Jaswant Singh.] humanitarian grounds, gave him his blood for transfusion."

And here this man has been brought under the Detention Act. What are the charges against him?

सरदार रघुबीर सिंह पंढरपुरी : ये अलोगेशन ये हां नहीं ।

SHRI JASWANT SINGH: That he gave his blood for transfusion to a dying man. Look at the depth to which State Governments can descend. If this power is to be exercised only by the Central Government . . .

SHRI T. S. PATTABIRAMAN: What about the . . .

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) : Order, order. It is for the Home Minister to reply, it is not for you to do that.

SHRI T. S. PATTABIRAMAN: But it is an incorrect statement, Sir. Can he produce the grounds of detention?

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) : He can make any allegation, it is for the Home Minister to reply, not for you.

SHRI T. S. PATTABIRAMAN: On a point of order, Sir. Can he make any statement which is not correct?

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Order, order.

SHRI B. N. DATAR: Let the hon. Member make statements which are at least reasonable. He should not go on making statements which are quite unreasonable in character.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) : He is quoting from a book. What is it?

SHRI JASWANT SINGH: This book is from a very responsible man . . .

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) : But what is that book? That is what I want to know.

SHRI JASWANT SINGH: This is a book by one Mr. Ghanashyam Gupta entitled "Gross misuse of the Preventive Detention Act".

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): It is not a book; it is a pamphlet.

SHRI JASWANT SINGH: Then there are also many other instances where such grounds for the 'detention are given. I will only quote one . . .

(Time bell rings)

Sir, if you think the time is up, I will conclude by saying that with these words I oppose this measure because it is unnecessary.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) : I have got only three speakers to whom I can give time. If the hon. Members to whom time is allotted want to speak, they can speak each for ten minutes only. If anybody does not want to speak, then he may inform me to that effect also. They are—Shri Yajee, Shri Kishen Chand and Shri Kapoor. These will be given time.

AN HON. MEMBER: And after that?

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) : And if anybody does not want to speak, he can inform me. Now I call upon Mr. Kapoor to speak.

SHRI JASPAT ROY KAPOOR: For fifteen minutes?

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) : No, only ten minutes.

SHRI JASPAT ROY KAPOOR: All right, Sir, I will try to be as brief as possible.

Mr. Vice-Chairman, ever since this measure was enacted seven years ago^

there has never been an occasion when the retention of this measure on the Statute Book was of greater necessity than at the present one. Sir, the forceful speech of the hon. the Home Minister, Shri Govind Ballabh Pant, supported by cogent facts and figures and by incontrovertible arguments should have convinced anyone who is open to conviction that this measure is absolutely necessary on the present occasion when the danger of invasion of Kashmir is looming large in the northern horizon . . .

SHRI KISHEN CHAND: This Bill does not apply to Kashmir.

SHRI JASPAT ROY KAPOOR: My hon. friend is absolutely mistaken if he thinks that it does not apply to Kashmir. If he will care to read the provisions, he will see that the Central Government is always authorised to detain any person even in Kashmir on the ground that his activities are against the defence, the interests of the country. Therefore, I was submitting that with this danger looming large in the northern horizon, with the frequent bomb explosions there, with espionage going on pretty extensively and money pouring from across the border, to disrupt the law and order situation, with the Kazhijigam agitation going on with incitements to village burning, incitement to murder going on and the entire Brahmin population of the south being threatened with extermination; and on the eastern border of our country with the erstwhile Naga trouble not yet having been completely wiped out, and again on the western order, with smuggling going on on such a large scale that even our economy and currency is being threatened adversely, if we need one thing in these circumstances to keep the situation under control, it is this Preventive Detention Act.

Sir, my hon. friend Dr. Kunzru was waxing eloquent this morning when he was saying that this measure should not be on the Statute Book

because it curtails the liberty of the subject. Sir, we are as much interested in maintaining the liberty of the people as he is. Then the question is: Whose liberty we want to safeguard? The liberty of the millions, of the tens of millions of the citizens of this country or the liberty of a handful of persons who want to abuse that liberty and want to have licence to incite murders, who want to resort to village burning and that sort of things? Sir, my hon. friend Dr. Kunzru is a very clever debater and when he finds that the House is getting bored by his unconvincing arguments, he cleverly tries to introduce mirth by some jocular remarks.

In that spirit, I suppose, than in any other, he quoted what the hon. Home Minister had said yesterday in defence of this measure. Dr. Kunzru posed the question to the hon. Chairman who was adorning the Chair then, as to whether he could tell him as to when caste could be eliminated from this country. Sir, may I quote here what in reality was said by the hon. Pandit Govind Ballabh Pant as the argument in support of the measure. What he said was, "We have to see that the minimum necessary must be done in order that the freedom of the vast mass of people living in this country may be protected and they may carry on their vocations smoothly and in undisturbed manner". He further added, "That is the only reason why this Bill has been brought before this House."

SHRI BHUPESH GUPTA: In the hon. Minister's speech, Sir . . .

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Don't disturb him. Nobody disturbed you.

SHRI JASPAT ROY KAPOOR: Let him have a little patience. I will deal with him pretty exhaustively in a moment. He will have his due share of my remarks.

The hon. Dr. Kunzru conveniently did not, as it did not suit his convenience, read out this pertinent sentence

[Shri Jaspat Roy Kapoor.] from out of his speech. The question, therefore, is, Sir, that in order to protect the liberty of the vast mass of people of this country, we must have this measure on the Statute Book. Sir, Dr. Kunzru also said that this Bill has served its purpose because, he said, formerly a very large number of detenus were there and now that number has been reduced to about 200. I have not been able to appreciate the logic of this argument. If this Bill has been effective enough to reduce the number of detenus to only 200—if we take out about 100 who have been recently retained which is a temporary affair in Punjab, the number would be reduced to 100—this means that the measure has been effective enough. If this measure has not been effective enough, it could have been a valid argument for him to reject having this on the Statute Book. A measure which is very effective, if kept for sometime more on the Statute Book, will result in course of time in there not being a single detenu.

(Time bell rings)

SHRI ABHIMANYU RATH: There will be no opposition for the Congress.

SHRI JASPAT ROY KAPOOR: I will hurry on, Sir. Now, this measure has been called a Black Act. I do not know since when my hon. friend, Mr. Bhupesh Gupta, has become averse to the black colour. I find him putting on a very fine black sweater close to his bosom but, of course, he has covered it with a white *kurta*.

SHRI BHUPESH GUPTA: At least, Mr. Vice-Chairman, I have got it covered whereas he is in pure black.

(Time bell rings)

SHRI T. S. PATTABIRAMAN: Mr. Vice-Chairman, it was not my desire to participate in the debate and I was hoping that after seven years of the

existence of this Act, the hon. Members of the Opposition would have realised that peace and tranquillity would prevail in this country. If peacefulness of mind and heart prevails today, it is due to the foresight of our late lamented Sardar Patel. He not only got us freedom but saved this country from the hooligans, from the traitors and from those people who claim to profess loyalty to this country but have deep-rooted loyalties elsewhere. With his great foresight, he gave us the Preventive Detention Act. Even Dr. Kunzru has attacked it but, Sir, I have to say that because of this Act, tranquillity has set in and people have been able to live peacefully. I was very sorry to see a respected leader and colleague like Dr. Kunzru referring to Sardar Vallabh-bhai Patel and saying that if he were alive, he would not have brought in this Preventive Detention Act. Sir, if Sardar Patel had been saved for us for a few more years by Providence, . nothing of the hooliganism that came in after the States Reorganisation would have happened in this country, the linguistic and other troubles would not have been there.

SHRI BHUPESH GUPTA: Sir, I object to the States Reorganisation movement being called 'hooliganism'. I object to it.

SHRI T. S. PATTABIRAMAN: Sir, I am not worried about Mr. Gupta's objections. They are so trivial and irrelevant that I don't have to take notice of them. I am not calling the States Reorganisation movement as hooliganism. My friends of the Communist Party want hooliganism to prevail in the country and want to uphold it.

SHRI BHUPESH GUPTA: All hooligans joined the Congress Party.

SHRI T. S. PATTABIRAMAN: The hon. Member has shown us thoroughly well. I am only sorry that the hon. Dr. Kunzru was saying that casteism, linguism, etc., will remain for ever

and that there is no need for the Preventive Detention Act. What the hon. Home Minister perhaps thought was that the fanaticism that led to violent demonstrations and disorderliness that set in in the country should not be there. Casteism and linguism may be there but the fanaticism found the rabidness in this matter should not be there and, in order to prevent that only, this Act has been found necessary. It is good that it is in existence on the Statute Book today.

I would like to mention one more point. I do not want to take much of the time of the House. It is most surprising that my hon. friends of the Communist Party, belonging to flag of the Sickie and Hammer, should today profess that they have love; for democracy, that they love the Constitution and that they want peace and tranquility in all the States. Thanks to the coming into power of the Communists in Kerala, they have become domiciled and they have become more responsible to public criticism but still, Sir, I can never forget what Mr. Sundarayya said in this very House in June, 1954. "We have come here to wreck the Constitution and wreck the Government of the day, if necessary, by violence". Sir, even after the assumption of power in Kerala by the Communists, Mr. Sundarayya, a responsible leader of the Communist Party of India, said in public that if the Government of India did not allow the Communist Government to function, they will resort to violence.

SHRI BHUPESH GUPTA: I protest against this statement, Sir. I would challenge the statement. He has never said it. A wrong report appeared in the press and Comrade Sundarayya publicly contradicted it whereas now the hon. Membet is quoting the false news item for his equally false case.

SHRI T. S. PATTABIRAMAN: I am thankful to Mr. Bhupesh Gupta . . .

THE VICE-CHAIRMAN (SHRI M. B. JOBHI): You are at liberty to quote.

SHRI T. S. PATTABIRAMAN: I am prepared to show from the records of this House that Mr. Sundarayya said that on such and such day. If Mr. Bhupesh Gupta is disputing it . . .

SHRI BHUPESH GUPTA: You are referring to the statement supposed to have been made in the Press. Mr. Sundarayya publicly contradicted that.

SHRI T. S. PATTABIRAMAN: If my hon. friend says that that statement is not correct, I am prepared to accept it.

SHRI BHUPESH GUPTA: I do not know whether the hon. Member read newspapers because this was publicly contradicted. He categorically said that.

SHRI T. S. PATTABIRAMAN: I read all newspapers, including Communist Papers. I am well-informed.

SHRI BHUPESH GUPTA: It does not seem to be so.

SHRI T. S. PATTABIRAMAN: These things bear testimony to the ignorance you have . . .

SHRI BHUPESH GUPTA: We have very good experience of ignorance.

SHRI T. S. PATTABIRAMAN: Shouting cannot replace arguments. I would like my hon. friend to allow me to proceed. If my hon. friend objects to certain facts, I am prepared to take note of them. I am not so blind as they are. If my hon. friends, admit that they are prepared to be wedded to non-violence, constitutional methods, let us accept the same. We are not making this law a permanent one and putting it permanently on the Statute Book. It is only for three years. That is a good probation period for the Communist Party.

SHRI BHUPESH GUPTA: I would like to ask the hon. Home Minister this question: Is this measure meant against us? Let him say so. Let him say that this law is meant against us. He has not said it but this hon. Mem-

[Shri Bhupesh Gupta.] ber is saying it. I want to know which one is telling the truth? They both belong to the same party.

SHRI T. S. PATTABIRAMAN: I would only appeal to you, Sir, to note the time taken in these interruptions and allow me that much.

THE VICE-CHAIRMAN (SHRI M. B. Jostn): Yes, you go on please.

SHRI T. S. PATTABIRAMAN: Sir, my objection is that the Communist Party of India is the least qualified to object to it on fundamentals or on principles. In 1942 when our great leaders were detained and imprisoned and taken away to far off prisons—and they were in prison for three or four years—the Communist Party of India, where did they lose their principles? They had gone in hiding. What became of the people's war and what became of our liberty? Why did they not object on fundamental and moral and religious and all sorts of principles? Because it suits them today—they are not interested in the principles as such—they are now shedding crocodile tears for democracy.

[MR. DEPUTY CHAIRMAN in the Chair.]

Sir, in this country there is a great scope for democracy. Hon. Members, the Communists especially, must understand that in India democracy has been well established. From what has been done to traitors who co-operated with a foreign invasion and foreign troops in other countries they must have a lesson. In North Viet Nam and in South Korea the collaborators were shot dead. Today we are having them as Members of Parliament in this country. Can there be a greater democracy in the world?

SHRI BHUPESH GUPTA: Who are the collaborators? They sit on this side or which side? Statements are being made. Collaborated with whom? Who are these people? Which side do they sit? The hon. Member is referring to some Members of the House.

SHRI T. S. PATTABIRAMAN: Those gentlemen who joined hands with the Anglo-Americans and had a people's war in this country. I do not want to name them; the whole world knows it. So, Sir, they should not criticise us. Today they admit, they praise the countries in which people can be taken together and shot dead, without trial, without anything, without anything known about them. They praise them as the greatest democracies in this world.

In this country, Sir, we have got the Preventive Detention Act with all the curtailments that anybody can imagine. Under the Preventive Detention Act the Government is not the final authority. They will have to give a charge to them. Then the case goes before the tribunal. In Punjab 70 detenus have been ordered to be released by the tribunal. Then there is the right of habeas corpus; the High Court is there; the Supreme Court of India is there to see that no injustice is done by the executive. In spite of all these things, if the Act is necessary it is because we still feel that our democracy is still in an infant stage, that the people are not yet accustomed to the obedience to law and order in this country.

My hon. friend, Mr. Kunzru, was referring to the conditions in England. It is a good thing to compare, but certainly the comparisons are not similar. In England they have enjoyed 2000 years of freedom. Every man there is responsible. Nobody ever could think of burning the Union Jack or insult the Queen or insult the Parliament. Everybody is a constitutionalist and would like to have faith in the constitution and would like to take to only constitutional methods. But today in this country, Sir, we see some people have no faith in the Constitution, who would like to treat the national flag as if it were a rag and who would like to insult the Constitution of India by burning it. We see all these things not merely today, Sir. Not only now, Sir, three years back the trade union

leaders in a particular place in Salem burnt the national flag which was hoisted on the 26th of January. We tried to prosecute them. No law was available. We could locate the person who was guilty of it, but we could not do anything. If conditions continue like this, is it not necessary that there must be some law by which these people should be prevented from such things?

SHRI H. D. RAJAH: How many persons did you put in prison under this law when they started burning the flag and dishonouring our constitution?

SHRI T. S. PATTABIRAMAN: Sir, if we do it, you ask us why you did it. When we do not do it, you ask us why you did not do it. Give it a decision whether to do it or not. Drive us the sanction and we will do. Do not argue on both the sides.

I would like to point out only one more instance and I would finish my speech. My friend, Mr. Rajah, was waxing eloquent about Ramanathapuram. Most of the cases are *sub judice* and I would not like to touch on those things. But, Sir, he was saying that Mr. Thevar should not have been put in prison or should not have been made a detenu. I do not want to go into the merits of the case. Mr. Thevar can take care of himself and anybody who goes through the tragic woe of the Harijans there will find enough justification for the application of the Act. I do not want to quote any lengthy things from many of the documents I am in possession of, but I would like to point out that the history of the communal troubles in Ramanathapuram district is of recent origin. It goes on from 1930; the Harijans have been ill-treated, mal-treated, suppressed and oppressed. It has been going on in the name of religion or whatever you call it. The Muslims have been made to fare worse. Today, Sir, what is the fate of the Harijans there? They cannot walk with their caps on or with their umbrellas on in the streets of Mudukalathur. And above all I would like

hon. Members to ponder whether it is justifiable, whether it is in the interests of a nation, whether it is honourable to the nation not to allow the Harijan women to have their sari on the upper part. If they want to walk in the streets of the Thevar community in Mudukalathur, the Harijan women must tie their *saries* down and go partly naked. Is it the way? Will you want this to be tolerated? We cannot book those fellows. We cannot find out the brain behind, sitting at Madurai 150 miles away and directing the whole thing, heaping insult after insult and tyrannising that whole community, and when the Government goes to the rescue of the Harijans it is said, "Oh, what is this? Is this democracy?" Are you not ashamed when you see that our own brethren are denied the right to walk in the streets of Mudukalathur? Where is that feeling of democracy gone? Arson, loot and murder have taken place in hundreds of instances, and none of my friends, who are now shedding crocodile tears have spoken one word about it. I have got documents to prove that Mr. Muthuramalinga Thevar is not a hero that you imagine him to be. Even when the Congress regime was there, even in the regime of Rajaji in 1939 he was proceeded against under section 107 for security reasons. With your permission, Sir, I will read one sentence from the Judgment of Mr. Kuttalalingam Pillai, Additional District Magistrate. "There can be no two opinions about the fact that the counter-petitioner"—Sri Muthuramalinga Thevar—"is a very dangerous criminal, if not the most dangerous among the Appanad-Kondayan-kottai Maravars." Similarly, Sir, Mr. Thompson, District Judge, says about the evidence of a prosecution witness: "In his evidence he has described the appellant as being a terror in those parts, meaning the area round Muthukalathur."

SHRI H. D. RAJAH: When was this statement made by him? The year and the date also may be quoted.

SHRI T. S. PATTABIRAMAN: "Judgment in Criminal Appeal No. 87

of 1940." "In the Court of the Sessions Judge of Madura"; "S. P. Thomps&n, Esquire, I.C.S., Sessions Judge."

MR. DEPUTY CHAIRMAN: He prefaced it by saying that this trouble is there from 1940.

SHRI T. S. PATTABIRAMAN: I am only tracing the character of the detenu. If you want the reasons—I do not purposely go into the reasons. I have got a bundle of them to show to Mr. Rajah, but because all of them are sub *judice*. I do not want to go into them. I will have occasion to tell the House and Mr. Rajah that the detention of Mr. Muthuramalinga Thevar is not only the just and proper thing but is the most essential thing for the maintenance of peace and order not only in that southern part of the country but throughout the country. But one reference I will make and finish my speech.

Mr. Rajah was saying that just because Mr. Muthuramalinga Thevar was saying, "If you do not leave the Commonwealth I am starting an agitation for that purpose" he was detained. Sir, I have got the grounds of charge for Mr. Muthuramalinga Thevar, grounds of detention; I would only quote one sentence.

SHRI BHUPESH GUPTA: How quickly he gets all these things. Is he in touch with the Intelligence Branch?

SHRI T. S. PATTABIRAMAN: I can get your office documents also.

MR. DEPUTY CHAIRMAN: Just as you manage to get them.

SHRI BHUPESH GUPTA: Reference was made only two hours ago and he is in a position to produce everything. He seems to have good connections with the Central Intelligence Bureau.

SHRI AKBAR ALI KHAN: That is efficiency.

SHRI K. L. NARASIMHAM (Madras): That is the efficiency of the Government of India.

SHRI T. S. PATTABIRAMAN: If you want the report the Tamil Nad Branch of the Communist Party made to the Communist Party of India about Mr. Muthuramalinga Thevar, I can also give them a copy.

(Interruptions.)

I learnt all the tricks of your trade-from your company,

SHRI BHUPESH GUPTA: Then the hon. Member must be maintaining a private detective firm also.

(Time bell rings.)

MR. DEPUTY CHAIRMAN: It is time.

SHRI T. S. PATTABIRAMAN: Only one sentence and I finish. When addressing in public meeting at Madurai on 12-9-56, Mr. Muthuramalinga Thevar declared that the Forward Bloc of which he has been a local leader-would give six months' notice to the Prime Minister of India to quit the Commonwealth failing which he would start a nation-wide violent struggle to oust the Congress from power. Is this the way responsible men should behave? Should the Government keep quiet? And if the Government keeps, quiet, hundreds of incidents will take place. Sir, the Preventive Detention Act is a great thing, (interruptions)

(Interruptions.)

SHRI BHUPESH GUPTA: We want the documents; I would like to read it.

SHRI K. L. NARASIMHAM: We press it.'

SHRI T. S. PATTABIRAMAN: I do-not want to be interrupted; I am not yielding. The Preventive Detention Act has been the greatest barricade against the onslaughts of the undesirable elements of this country who try-to undermine the great foundations laid by our Father of the Nation, Mahtma Gandhi, and the great iron

man, Sardar Vallabhbhai Patel. Sir, we would like them to be strengthened till 1960.

SHRI BHUPESH GUPTA: You have forgotten the Mahatma. You remember the Mundras only.

SHRI T. S. PATTABIRAMAN: We are asking time only up to 1960. By that time we hope we will be in a position to do so and like other Acts we are prepared to drop this Act if we feel that our friends have changed, the times have changed and that our freedom and democracy stand on strong and solid foundations.

Thank you, Sir.

3 P.M.

JANAB M. MUHAMMAD ISMAIL SAHEB (Madras): Mr. Deputy Chairman, I am one of those who supported the Government when they, on a previous occasion, sought to extend this Preventive Detention Act for a further period . . .

SHRI BHUPESH GUPTA: I ask for that letter, it should be laid on the Table of the House. I should like to read it before . . .

(Interruptions.)

SHRI T. S. PATTABIRAMAN. It is a public document, grounds of detention. You can get it.

(Interruptions.)

SHRI BHUPESH GUPTA: It can be laid on the Table. It can be raised in the course of the debate . . .

MR. DEPUTY CHAIRMAN: What is that document?

SHRI T. S. PATTABIRAMAN: Grounds of detention of Mr. fyluthu-ramalinga Thevar.

SHRI BHUPESH GUPTA: Lay it on the Table.

SHRI T. S. PATTABIRAMAN: Sir, on a point of order, they must have

asked me to place it on the Table when I spoke. After my speech they cannot demand anything.

(Interruptions.)

SHRI JASPAT ROY KAPOOR: Sir,, on a point of order . . .

MR. DEPUTY CHAIRMAN: One at a time. Order, order.

SHRI BHUPESH GUPTA: It is an ordinary rule if I demand . . .

SHRI JASPAT ROY KAPOOR: I am on my legs on a point of order. What I could gather when I was: hearing my hon. friend over there was that he was saying something with reference to some notes which he had. I do not think he has read out anything from any authorised document . . .

(Interruptions.)

SHRI BHUPESH GUPTA: Look at the proceedings.

SHRI JASPAT ROY KAPOOR: Every one of 'us is perfectly entitled, I submit, to refer to the notes that we have in our possession . . .

MR. DEPUTY CHAIRMAN: Order, order. Mr. Pattabiraman, if you have referred to any document, you have to produce it.

SHRI T. S. PATTABIRAMAN: It has appeared in the press, in the "Thina Thanthi" paper in Madras— the complete grounds of detention— Tamil edition of the paper, and I have translated from that and I am keeping it

SHRI H. D. RAJAH: He read out some portion from a document . . .

SHRI BHUPESH GUPTA: On a point of submission, when the hon. Member spoke he was not saying anything in Tamil. He said he was reading out from the grounds of detention and he was speaking in English. I would like that particular document to be laid on the Table.

MB. DEPUTY CHAIRMAN: Please get the proceedings. Mr. Muhammad Ismail.

JANAB M. MUHAMMAD ISMAIL SAHEB: Mr. Deputy Chairman, I was saying that I was one of those who supported this measure when on a previous occasion the Government sought its extension for a further period. At that time the circumstances were different. The situation in the country demanded such a measure as that under consideration. There were subversive elements and at the time the crying need was a stable Government and I said that any Government was better than no Government and that Government's hands must be strengthened by such a measure as this. But now, Sir, the circumstances have changed. There is nothing that may be called as constituting an emergency or crisis. Some of the major reasons which were cited by the Government as justifying the extension of the Preventive Detention Act are those circumstances which mostly and ordinarily exist under a democracy and particularly under a Government following a party system. Therefore, I do not think that there is for the extension of this sufficient reason or justification Act at present. One instance I would like to give which contradicts the argument of the Government when they justify their proposal to extend this measure further. The activities of the Dravida Kazhagam people in the south were cited as one of the major reasons for the Government seeking to extend this Act. But then what has happened in connection with the activities of the Dravida Kazhagam people? The leader of that party has been dealt with by the ordinary law of the land. He was arrested, he was prosecuted before an ordinary court of law, under the ordinary law and has been sentenced. Therefore, the same practice might be followed in other cases too. Now, such an Act as this demoralises minions of the law not only in the administration of this particular Act but also in the admi-

nistration of other ordinary laws. In this connection I would only request the Government to consider the case of Dr. Ram Manohar Lohia and see whether everything has been all right with reference to that case. I would not go into the merits of it because it may be said that it is still *sub judice*. But I would only ask them to consider in view of certain remarks which are alleged to have been made by the judges of the High Court trying the case. As I said, the administration of this Act demoralises the officials of law even in their administration of the ordinary law. Take another instance. One important editor in Delhi, Mr. Mohd. Mustahsan Faruqi, editor of *Astana* and *Pyame Mashriq*, has been detained for some months and the grounds of detention are given in the order. And when we go through them, they relate to certain acts which had already been committed and if those acts are wrong and criminal, he might have very well been brought before a court of law. He is mainly charged for certain wrongs and for certain acts which he has already committed. Therefore, he can very well be brought before a court of law and be tried.

SHRI JASPAT ROY KAPOOR: But at the same time in order to prevent him from further mischief it is necessary.

JANAB M. MUHAMMAD ISMAIL SAHEB: Even in such a case in which the Government have given concrete acts as grounds for acting under this Preventive Detention Act, they are not making use of the ordinary law, which is sufficient at least in such cases. Again, in another case there was one editor in Uttar Pradesh, Mr. Ishaq Ilmi, who criticised the writings of the author of a certain book. The passages criticised were held by very high authorities to be really objectionable. But while no action was taken against that book, unusual action was taken against the critic, under the Preventive Detention Act. But that was

quashed by the High Court. What I say here again is that action was taken under the Preventive Detention Act on a thing which had already taken place. If it was wrong, if it was so very clear and definite, the case might have been brought before an ordinary court of law, as has been the case with reference to the leader of the Dravida Kazhagam.

Then, again, with regard to certain bomb explosions in Delhi, one ordinary man, a shopkeeper, Afzal Peshawari, was taken into custody. He was kept there for four or five months and then he was let off. These are cases in which the ordinary law can be had recourse to. But the Government, since they have a short cut to law and order, are prone, are inclined to make use of this measure to the detriment of the freedom of the ordinary citizen.

Then, again, one word about Sheikh Abdulla. He has been in detention for the last four years. The Government might be in possession of such evidence and they might have collected more evidence against him during these years. I am not speaking of his release. I do not say anything about the case at all. But I only speak of the manner in which the thing is done under this Act. It may be said that it refers to law and order in a State and that Kashmir is a separate State. It is all right, but Kashmir forms part of India.

SHRI ABHIMANUYA RATH:

how can it be part of India?

MR. DEPUTY CHAIRMAN: Order, order.

JANAE M. MUHAMMAD ISMAIL SAHEB: It is part of India and it is under the control of the Central Government. Even today we find that the Central authorities are having contacts with Kashmir; they are going there. They might in such an important case advise the State Government that the person might be put before a court of law. It will be good in the interests of the State as well as the

country as a whole. And they need not allow suspicion to be created in the minds of the people and make them think that freedom of the people is being dealt with arbitrarily and in a manner which is being endorsed only by the Government. That is what I say. I do not say anything about this case excepting this that it may be brought before an ordinary court of law. It may be dealt with under the ordinary law. Ordinary law is sufficient and that has been very well proved by the recent happening in Madras, by what has happened to the leader of the Dravida Kazhagam. Credit is due to the Madras Government for the manner in which they have dealt with this important case. Even with regard to Madras, I would say that it would have been well if they had proceeded in other cases also under the ordinary law.

Sir, in speaking of the freedom of individuals and the equilibrium between the State's power and the freedom of individuals, certain people speak as if democracy is one set of people, one entity, separate from the individuals, as if individuals are another set or community who are waiting round the corner for pouncing upon the people who constitute democracy. It is not so. Democracy consists of individuals, and the existence of such Acts as the Preventive Detention Act will give the individuals who constitute democracy, at least those individuals who have got a conscious awareness of the value of freedom, a sense of insecurity, particularly when they see the manner in which this Act is being used. Moreover, when there is such a measure as this, at hand, the officials will feel inclined to make use of it. There is no emergency, there is no crisis, and there are no special circumstances at present to justify the continuance of such an Act as this. The Government themselves claim that they are in a stable position, that they are able to deal with any situation as it arises. That being the case, an efficient Government should not require

[Janab Muhammad Ismail Saheb.] the assistance of such an Act and they should not ask for an extension of such a measure as this.

SHRI BHUPESH GUPTA: Sir, I rise on a point of privilege. I asked for the paper . . .

MR. DEPUTY CHAIRMAN: I have asked for the report of the proceedings.

SHRI BHUPESH GUPTA: I hope it will be done quickly because we want to look at it before the debate ends.

MR. DEPUTY CHAIRMAN: I will see the proceedings and then decide.

SHRI KISHEN CHAND: Sir, we are discussing this Preventive Detention (Continuance) Bill, and I feel that this discussion has centred round the fact whether the ideology of the Communist Party in India is similar to that in Russia. That has nothing to do with this Bill.

Russia is a great country. They have adopted a certain policy. They may be following certain principles, but they have done one thing wonderful; they have made their country the greatest country in the world at the present moment. They have achieved that position. If there is Communism in Russia, there is McCarthyism in U.S.A. Every country adopts a certain policy. Suppose they follow a certain system in their country, it is a completely integrated whole. An hon. Member asks what is happening in Russia; because they are doing this thing or that thing, we should not therefore raise a voice here. I cannot understand the logic behind that argument. The line of argument should be that when we are considering this Bill, this is the merit of this Bill, these are the reasons for or objections against it. Instead of that, you just criticise a big country which is the leading country in the world. They have their own situation, as there is a cold war going on. They are placed in that situation and they are compelled to take a particular line of action.

Sir, we are following the British pattern. When there is a question of economic development in our country, we quote the example of some other country. Our Prime Minister and other Ministers come forward and say that we have a certain pattern and we are going to follow that pattern. At least in judicial matters we have adopted the British pattern. So, let us look at the history of similar enactments in Britain. As has been pointed out, only during the last Second World War, reluctantly they had the Defence of the Realm Act.

SHRI AKBAR ALI KHAN: Does he think that we are in the same political development as Great Britain?

SHRI KISHEN CHAND: Then another hon. Member got up and said that we are very backward and that there is indiscipline amongst students, and if he was the dictator, he would shoot here and shoot there. He wanted a Napoleon in the country to preserve law and order. All sorts of things he said in his anger. I am really very sorry that such things go into our record, our hon. Members getting up and saying that our country is very backward and is in the middle ages. Any outsider reading these things said by our Parliamentarians about our country will feel that that must be our condition.

An hon. Member just now gets up and says, "are we to be compared with Britain?" I say certainly, we should be proud of that. The political development of our country is fairly advanced, very advanced. There is no backwardness in the political development of our country.

An hon. Member gets up and says that there are certain explosions in Kashmir and that Kashmir is on the frontier. The name of Jammu and Kashmir does not appear at all in the list. It is not applicable to that area. Jammu and Kashmir has a separate law of their own. Whether they have a Preventive Detention Act or not is not our concern. Under this law there is not a single case of detention

in Jammu and Kashmir, not a single case of detention in Assam. They are the only two border areas where there is a possibility of its application, where there may be need for such a law. We are not holding anybody under preventive detention either in Assam or Jammu and Kashmir under this law. There is a separate law in Jammu and Kashmir under which they are detaining persons. It is the duty of the Assembly of Jammu and Kashmir to dedde about that. As far as we are concerned, we have got to see whether in the rest of India this law is being applied for the maintenance of law and order, whether the ordinary laws of the country could not have been sufficient to maintain law and order. The point is, nobody on this side or that side wants the criminals to be let off, nobody wants that people who are going to disrupt law and order should be let off. Eevery Membejr of Parliament is united on that pbint. The difference of opinion only comes in on the point whether the ordinary laws of the country are not sufficient for maintaining law and order, and when ordinary laws are not sufficient for maintaining law and order, Whether a special law of this nature is required or not. Sir,' when I heard the hon. Minister, he was almost japo-logetic, he was very careful in choosing his words and in enunciating his policy, but his followers have gone a step ahead of him. They are introducing irrelevant matters into the discussion.

SHRI BHUPESH GUPTA: They are, in their second political youth.

SHRI KISHEN CHAND: Sir, mention has been made of Ramanathapu-ram. I shall like to know how many people have been detained under the Preventive Detention Act. There; was disturbance, there was police firing, they made enquiries, some people were committed and tried, and they will be taken care of by the ordinary law of the land. Then regarding the Kazhagam movement, Mr. Naieker has been prosecuted. He has been given some punishment. If the hon. Minis-

ter had made out a case, "look here, this is the particular case, in this particular case, if we had followed the ordinary law, there were certain secrets which would have gone out. There are enemy agents in the country, there is a guerilla warfare going on, and so many hundreds of people have come from outside and are carrying on this thing. If we hold them up before ordinary courts, so many of our secrets will be let out and it will not be in the interests of India", then I would feel there is justification for it. But just to say that there is casteism in our country, there is this thing or that, is no good. These are the hon. Members who were our revered leaders in the past and who are holding the reins of Government in their hands. When, nearly twenty years ago, the British Government was the ruling power and when they brought in Bills of this nature, there was casteism; there was communalism; there were bomb explosions; there were communal riots—all these things existed in those days.

SHRI BHUPESH GUPTA: There was smuggling also.

SHRI KISHEN CHAND: There was smuggling in those days also. If it all, there is much less communal trouble, much less casteism, in our country in 1957. Compare the condition of 1957 with 1937—twenty years ago. Don't you think that the condition is much better about communal riots, about casteism and all these things?

SHRI BHUPESH GUPTA: What about smuggling?

SHRI KISHEN CHAND: But in 1937, the hon. Minister was very eloquent that there should be no such black Act in our country. But now, simply because our Government has been established, we should forget everything and we can do anything we like! We can break all rules and laws because it is our Government and we should keep quiet on it. It is a curious argument, that when the hon. Minister brings forward a Bill in which normal practice is not being followed, but a new procedure has

[Shri Kishen Chand.] been adopted, an hon. Member gets up and says, "The Opposition Party should prove what may be the evil consequences of the measure. It is a new way of logic. Normally, it is the duty of the hon. Home Minister to prove that the ordinary laws of the land are not sufficient for curbing the situation and that a special situation has arisen which did not exist till 1950. This law was brought in 1950. So, he should have proved that since 1950, a new situation has arisen, that casteism has been rampant, that there were a number of bomb explosions. Only two bomb explosions have occurred in the City of Delhi which is a minor thing. I remember, Sir, till 1940, there were hundreds of bomb explosions in our country. It was a normal practice of the Revolutionary Party. So, this Bill should not be discussed on that ground. The discussion should be that the normal law is insufficient and that India is in grave danger. The hon. Prime Minister said that geographically, we are very well situated, that we are out of the way of the cold war. Our country is not at all affected by it. We are geographically so well situated that there is no danger of any subversion in our country. Therefore, Sir, I do not see any justification at all for bringing in this black law.

SHRI B. K. P. SINHA (Bihar): May I know what the distinction is there between the ordinary law and extraordinary law?

(Interruptions.)

SHRI KISHEN CHAND: There is a Penal Code in our country.

MR. DEPUTY CHAIRMAN: Your time is limited; so, you can defer it to a subsequent occasion. Please go on with your speech.

SHRI KISHEN CHAND: I am trying to make OH* some distinction on that point. There are the law courts, there is the law, but here instead of judges, we have an Advisory Body.

I maintain that this law is really being used against the Opposition parties.

SHRI BHUPESH GUPTA: That is right.

SHRI KISHEN CHAND: Hon Members have pointed out this fact and if you see the list of detenus, you will find that there are members of the Communist Party, the P.S.P. Party, the ex-P.S.P. Party and there are a fairly large number of the Hindi Raksha Samity people.

AN. HON. MEMBER: And Hindu Mahashabha.

SHRI KISHEN CHAND: An hon. Member from the Punjab tried to create a sort of communal atmosphere in the discussion. All sorts of people are taking up sides. We are not interested whether the Hindi Movement is correct or incorrect; that is for the Punjab Government to deal with. We are only interested in knowing whether the ordinary laws are not sufficient for giving punishment to people who are breaking the law in the Punjab. Why use was made of this Act? Are those people outside agents? Are they not Indians, fully loyal Indians? They might have certain opinions. If they have broken the law of the land, there is the law court for it. You can give them punishment. But why do you detain them under the Preventive Detention Act? They are not subversive elements. These Hindi Raksha Samity people are not going to subvert the independence of India. They are not people who have come from outside, who are going to do this thing. Why are you using this Act against them?

So, it boils down to this—when the Congress Party has got such a big majority, whenever they have political opponents, they want to use this Act, against them. Out of the 205-people, this law has been used mostly against other political parties or the language agitation that is going on or against the Samyuktha Maharashtra Samity. The net result is that this; Bill is entirely meant for curbing the Opposition and I strongly oppose it.

SHRI BHUPESH GUPTA: That is right.

MR. DEPUTY CHAIRMAN: Mr. Sheel Bhadra Yajee, just five minutes. At 3-30, I want to call the Minister.

SHRI AKBAR ALI KHAN: There are others also, Sir.

MR. DEPUTY CHAIRMAN: We Have exceeded the time by one hour.

श्री शैल भद्र याजी : माननीय डिप्टी चेयरमैन महोदय, हाउस के सामने प्रि० डि० ऐक्ट को तीन वर्ष की अवधि बढ़ाने का जो प्रस्ताव रखा गया है उसका मैं समर्थन करता हूँ। लेकिन मेरी सरकार से एक शिकायत है और वह यह है कि इस ऐक्ट की अवधि सन् १९७५ तक बढ़ा दी जानी चाहिये या फिर इसे स्थायी बना दिया जाना चाहिये। इसकी वजह यह है कि हमारे अपोज़िशन के लोग हमें बतलाते हैं कि मुल्क में वह हालत नहीं है जिसमें कि इस ऐक्ट की अवधि बढ़ाई जाये। डा० कुंजरू ने कहा कि हमारे यहां कोई "वार" नहीं है और श्री किशन चन्द जी ने कहा कि "कोल्ड वार" भी नहीं है। लेकिन मेरा उनसे यह कहना है कि दुनिया में तो "कोल्ड वार" है। यहां भी "शीत युद्ध" है, हिन्दुस्तान की सरहद की दोनों तरफ यह चीज मौजूद है। बम्बई तथा गोआ में भी है।

उपसभापति महोदय, आज पाकिस्तान अमेरिका की मदद से हमारे खिलाफ किस तरह तैयारी कर रहा है और आगे क्या करने वाला है। मेरा तो कहना यह है कि आज हिन्दुस्तान के कोने कोने में पाकिस्तान के एजेंट जहां जहां तोड़फोड़ करने के लिये मौजूद हैं और कर रहे हैं। इसके अलावा गोआ हिन्दुस्तान की जमीन से अपनी फीजें से जाना चाहता है। पूर्व में नागाओं का उपद्रव खड़ा है। और सबसे खराब बात जो है वह देश के अन्दर भाषावाद की बात चल

रही है। सब विरोधी पार्टियां अपने समाजवाद तथा साम्यवाद के आदर्शों को छोड़कर भाषा-वाद में चली आई हैं। अपने अपने आदर्शों को छोड़कर आज महागुजरात समिति और संयुक्त महाराष्ट्र समिति क्या कर रही हैं और क्या मांग रही हैं, यह सब आप लोग जानते हैं। इन लोगों ने जनता को कर बन्द करने, टैक्स न देने का आन्दोलन करने की राय दी है और एक तरह से युद्ध करने वाले हैं। जिस समय यह ऐक्ट बना था उस समय देश में साम्प्रदायिक दंगे होते थे। लेकिन आज भाषावाद का जो झगड़ा है वह सबसे खराब है। हिन्दुस्तान में कभी भी कम्युनल झगड़े नहीं हुए। हिन्दुस्तान पर बाहर के देशों की, शक, हन चंगज खां की तलवारें भी चलीं मगर देश के टुकड़े नहीं हो सके। सन् १९३७ में जब कांग्रेस की वज्रात हुई तो मुस्लिम लीग को कम्युनल संस्था बनाने की छूट दे दी गई। उसका नतीजा यह हुआ कि मुस्लिम लीग आगे बढ़ गई और देश का बटवारा हुआ और आज उसी का स्वरूप यह भाषावाद का झगड़ा हमारे सामने खड़ा है जो आज हम देश में देख रहे हैं। आज महाराष्ट्र, गुजरात और रामनाथपुरम में यही चीज हो रही है जो मुस्लिम लीग ने देश में की थी। इस चीज को हम सब को रोकना चाहिये। अगर हम इसको नहीं रोकेंगे तो देश को हानि पहुंचेगी।

उपसभापति महोदय, मैं समझता हूँ कि हिन्दुस्तान में जितनी भी पार्टियां हैं उन्होंने अपने अपने आदर्शों को छोड़ दिया है। कम्युनिस्ट पार्टी के सामने अब कोई आदर्श नहीं रह गया है। कांग्रेस शासक पार्टी ने समाजवाद अस्वीकार कर लिया है और रूस और चीन से दोस्ती कर ली है। अब इन लोगों की दुकानों में कोई चीज ऐसी नहीं रह गई है जो बिक सके। उनके सामने अब सिर्फ भाषावाद का कोरा सिद्धांत रह गया है। ये लोग हमारी द्वितीय पंचवर्षीय योजना को फेल करना चाहते हैं। कहते तो यह हैं

[श्री शील भद्र याजी]

कि यह नफल हो मगर वे डाको फेल देखना चाहते हैं ताकि दुनियां से यह कह सकें कि यह सरकार इस काम में फेल हो गई है। कामरेड भूपेश गुप्त अपने अखबार "स्वाधीनता" में गत चुनाव के समय कांग्रेस के खिलाफ प्रचार कर रहे थे कि कांग्रेस ने निर्वाक निरोध अधिनियम पास किया है। मैंने उनके इलेक्शन के लेखों को अच्छी तरह से पढ़ा है। वे अक्सर अपने अखबारों में लिखते रहते हैं कि प्रि० डि० ऐक्ट के द्वारा इतने लोगों को गिरफ्तार कर लिया गया है और इलेक्शन अच्छी तरह से लड़ने में बाधा डाली गई है। इस तरह का प्रचार करने पर भी कांग्रेस पार्टी अक्सरियत में पहुंच गई है। वे हमें रूस से सबक सीखने के लिये कहते हैं मगर खुद बैसा नहीं करते हैं। तो मेरी प्रार्थना यह है कि देश में जो एंटी सोशल एलीमेंट इस समय पैदा हो गये हैं, उनको दबाने के लिये इस ऐक्ट को सन् १९७५ तक बढ़ा देना चाहिये, तब ही देश में समाजवाद की स्थापना होगी। प्राचीन भारत में अश्वमेध-यज्ञ के बारे में पहले यह कहा जाता था कि जब घोड़ा १५ मील चला जाता था और जहां वह रुक जाता था तो वहां तक का वह राजा चक्रवर्ती हो जाता था। आज इस तरह की पृथक्करण तथा फूट की मनोवृत्ति हिन्दुस्तान में काम कर रही है। इसलिये यदि आपको हिन्दुस्तान की आजादी कायम रखनी है, समाजवाद की स्थापना करनी है तो यह कानून आवश्यक है चाहे ये लोग कुछ भी बोलें। जहां कहीं मौका मिलता है, ये लोग बोलते ही रहते हैं। यह कहा जाता है कि इसमें आजादी का सवाल नहीं आना चाहिये। क्यों नहीं आना चाहिये? इस सवाल को हम जरूर उठावेंगे। यदि अपने देश की हिफाजत के लिये और समाजवाद की स्थापना के लिये बेरिया ट्राटस्की आदि जैसे अच्छे से अच्छे कामरेड को रूस में खत्म किया जा सकता है, तो समाजवाद की स्थापना के लिये और हिन्दुस्तान की

आजादी के लिये जो देश में साम्प्रदायिक तत्व अपना शिर उठा रहे हैं उनको रोकने के लिये हमें तैयार रहना चाहिये और इसके लिये मैं समझता हूं कि इस कानून को स्थायी रूप दे देना चाहिये। आज हमारे विरोधी कामरेड को भाषण की आजादी है और वे बाहर कैसा कैसा भाषण देते हैं वह आप भी जानते हैं और हम भी जानते हैं, लेकिन इस तरह की आजादी को मैं डेमोक्रेसी नहीं कहता बल्कि माबोक्रेसी कहता हूं। जो सोशलिज्म की बातें करते हैं उनको मैं चेतावनी देना चाहता हूं कि इस प्रकार की आजादी से मुल्क में ऐसी कम्युनल फोर्सेज बढ़ेंगी जो न उनको छोड़ेंगी, न कांग्रेस को छोड़ेंगी और न किसी को छोड़ेंगी। आज पंजाब में जो कुछ आर० एस० एस० आदि की तरफ से हो रहा है उससे हमें सावधान हो जाना चाहिये। इसलिये मैं कामरेड भूपेश गुप्त और उनकी पार्टी को वानिंग देता हूं कि इस तरह के मेजर में उनको गवर्नमेंट का साथ देना चाहिये। यदि वे चीन और रूस के प्यारे हैं, भक्त हैं, तो उनको चाहिये कि जो एंटी-सोशल एलीमेंट हैं, जो समाजवाद के दुश्मन हैं, जो साम्प्रदायिक लोग हैं, जो भाषावादी हैं, उनको दबाने में वे गवर्नमेंट का साथ दें। आज इस कानून की बहुत जरूरत है और यदि इसकी लाइफ और बढ़ा दी जाये तो मैं बहुत खुश हूंगा, लेकिन अभी तीन वर्ष की बात है, ... परन्तु इसके बाद इसे स्थायी रूप दे देना चाहिये।

SHRI BHUPESH GUPTA: May I know the party to which the hon. Member belongs?

SHRI SHEEL BHADRA YAJEE: I am more revolutionary and communist than you are.

(Interruption.)

MR. DEPUTY CHAIRMAN: Order, order.

श्री शील भद्र याजी : इन शब्दों के साथ मैं इस बिल का तर्जुमाल से समर्थन करता

हूँ । जो अपने को तथाकथित कम्युनिस्ट कहते हैं उनके लिये खासकर राष्ट्रीय झंडे और कांस्टिट्यूशन का कोई महत्व नहीं होता है । उनकी पार्टी के लोगों ने १९३० में बम्बई के चौपाटी मैदान में राष्ट्रीय झंडों को जलाया था और आज संविधान तथा राष्ट्रीय झंडे को जलाने में कुछ अपराध नहीं मानते । यह क्यों हो रहा है ? उनके लिये झंडे और संविधान का कोई महत्व न हो, लेकिन हमारे लिये तो महत्व है क्योंकि हमने उसके लिये बड़े बड़े बलिदान किये हैं और झंडे की रक्षा के लिये नौ नौ बार जेल गये तथा अंगुलियों को तुड़वाया है । आज उनके लिये संविधान और झंडा कोई चीज नहीं । उनके लिये अगर कोई चीज है तो बोलने की आजादी है, लिखने की आजादी है । ऐसी आजादी दुनिया में कहीं नहीं है । इसलिये मैं कहता हूँ कि इस तरह के जो एलीमेंट हैं वे हिन्दुस्तान में समाजवाद की स्थापना में और हमारी पंचवर्षीय योजना में विघ्न डालने का प्रयत्न कर रहे हैं । बड़े बड़े सत्याग्रहों के नाम पर बड़े बड़े दुराग्रह होने वाले हैं । पांच वर्ष होने वाले हैं और बड़ी बड़ी हड़तालों की तैयारी हो रही है । मामूली सी मामूली बात पर, चाहे नया पे कमीशन बन भी जाये पर तो भी, हड़ताल करने की बात चलने लगती है । इसलिये इन चीजों को रोकने के लिये मैं समझता हूँ कि इस डिटेंशन ऐक्ट की अवधि और ज्यादा बढ़नी चाहिये और जो अपोजीशन के लोग अपने को कम्युनिस्ट या सोशलिस्ट कहते हैं उनको तहेदिल से इसका समर्थन करना चाहिये ।

SHRI B. N. DATAR: Mr. Deputy Chairman, I have heard with vry :great attention the speeches of the hon. Members both in favour of the retention of this Act as also against it. Now a number of hon. Members have spoken in the same vein. But to the extent that there are certain arguments which have to be answered, I shall deal with them. And I shall

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take up the case of my friend, Mr. Bhupesh Gupta, first.

Sir, so far as Mr. Bhupesh Gupta is concerned, I think he ought not have brought in the Congress organisation at all. It is not that the Congress has done. But it is the Government of India which in consultation with the State Governments has come to the conclusion that there is a necessity for keeping this Act on the Statute Book for a further period of three years. And therefore, Sir, I should have liked the hon. Member not to have brought in the Congress organisation at all. Now, Sir, another objection was raised by him, as also by my friend, Shri Rajah, that on a number of occasions this was used against political parties and they have asked: How was it that the Congress did not come into the picture at all? May I, Sir, point out a very interesting incident which was narrated in the other House by no less a person than my colleague, Shri Asoke Sen, the Minister of Law? He actually referred to an incident at a bye-election a few days ago, when Dr. Syama Prasad Mukerjee had died.

SHRI BHUPESH GUPTA: Not a few days ago. In 1953.

SHRI- B. N. DATAR: Let the hon. Member wait. He must now receive the answer for the point raised by him. Let him not interrupt me. Now, Sir, after the death of Dr. Syama Prasad Mukerjee there was a bye-election and Shri Sadhan Gupta was the candidate on behalf of the Communist Party. Dr. Radha Binod Pal was a Congress candidate. There were certain incidents. As a result of one of these incidents, Sir, actually a Congressman was arrested. And I would read out what my hon. colleague has stated in the other House. He said that "I shall place only one fact which will show with what fairness the Congress administration has utilised this very great power during the time of the bye-election caused by the unfortunate death of our late lamented friend, Dr. Syama Prasad

[Shri B. N. Datar.] Mukerjee." Shri Sadhan Gupta was a candidate on behalf of the Communist Party from what was called the South-West parliamentary seat of the City of Calcutta. His opponent was Dr. Binod Pal, a well-known scholar of West Bengal. He was a Congress candidate. After the bye-election was over, 01 possibly during the bye-election, one Congressman was arrested by the Government of West Bengal. (*Interruption.*) The very first ground that was applied was that he was the head of some Congress volunteers who attacked a communist procession taken out in support of Shri Sadhan Gupta. (*Interruption.*) I am not yielding. Let the hon. Member sit down. He has to hear the answer. Now, Sir, so far as that is concerned, it will be seen that we have been using this Act with great impartiality. Just now an hon. Member from Punjab also pointed out that there was an instance where a Congressman had been detained. Under these circumstances, Sir, the objection that it has been used, as my friend, Shri Kishen Chand, suggested, for the purpose of putting down all political opposition was not borne out by facts. And as far as the statistical information—two books—that we have supplied is concerned, it would show that those persons who were detained for certain valid reasons—the ground themselves have been mentioned—happened to belong to certain parties. Under these circumstances, Sir, if a man belongs to an opposition party, it does not mean that he can carry on with immunity whatever he does. If for example a member of any party indulges in violent activities or in goondaism and certain other things, then he is liable under the law for detention. And even then their number is so small. Under these circumstances, may I point out to this hon. House that so far as this Act is concerned, it has been very sparingly used, and used in a spirit of absolute impartiality?

I would not deal with this question longer. Now my hon. friend Dr. Kunzru started by saying that the

Home Minister presented his case with great skill but that it was unimpressive. Another friend Shri Kishen Chand stated that it was apologetic. May I point out to these hon. friends that we always place our case on a sound footing of factual realisation. We don't make it over-zealous and we don't purposely put in more emotion than what is absolutely essential. Under these circumstances may I point out whether the facts that have come before the Court are of such a nature as to require the retention of this Act for a period of 3 years? Now some of the hon. Members needlessly criticised the Congress Party for attempting either to have this Act placed on the Statute Book for a certain number of years or for trying to continue it or retain it for a further period of 3 years. May I point out and Dr. Kunzru made a reference to Sardar Patel also—so far as these great men of the past are concerned, it would be very difficult to say or to surmise what they would have done had they lived now? Under the circumstances there is no substance in his contention that had Sardar Patel lived now, he would not have attempted to have this Act retained for a further period. A number of Sardar Patel's great friends and followers are already there. . . .

SHRI H. N. KUNZRU: I did not say this.

SHRI B. N. DATAR: You have stated.

SHRI H. N. KUNZRU: Please listen. What I said was that had the situation that exists now existed in 1950, I was sure that Sardar Patel would not have come forward with a Preventive Detention Bill.

SHRI B. N. DATAR: Now may I point out that this situation that we have to take into account was the situation in 1950 immediately after the inauguration of the Constitution? We had the strength, we had the majority not only in the Constituent Assembly but also afterwards. We are having even now thanks to

the electorate and to the great, what I can say, discomfiture of my hon. friend Shri Bhupesh Gupta, the backing of the people behind us and let it be understood clearly that when the Constitution was passed, we did not like to have the Preventive Detention Act at all. That would show *bona fides* to the effect that even though we had been in power, since 1946, we did not want this Act but within one month, as the irony of fate would have it, Sardar Patel frankly admitted in the Constituent Assembly that he passed sleepless nights and thereafter a conscientious man that he was, he came to the most reluctant conclusion, unavoidable conclusion, that there was the necessity of the Preventive Detention Act.

SHRI BHUPESH GUPTA: I hope you are having good sleep!

SHRI B. N. DATAR: So far as that is concerned, it had a very good effect because 11,000 persons had to be kept in prison and the worsening of the situation was duly averted. Thereafter we have to take into account two circumstances. One is whether the Act has been excessively used and secondly, whether today in 1957 there is any necessity for this Act at all. So far as the first point is concerned, even Dr. Kunzru has admitted that the number is coming down from 11,000 to 250 or a few hundreds. He actually stated that the number was falling. His complaint was why should there be even this small number at all? That is a point for which we have to take into account not only theoretical considerations but also the consideration of requirements of the situation as well and therefore I would submit that so far as the present situation is concerned, you have to take into account what it is and what it could have been, had not there been the Act on the Statute Book and therefore both the sides have to be taken into account.

Now a number of friends contended that these very difficulties of the situa-

tion to which the Home Minister referred are still there but along with them may I point out that there are certain elements, anti-social elements, which are not happy at the stability with which we have maintained the conditions in India and therefore if this Act were not to be continued, then all these anti-social elements would certainly welcome the disappearance or withdrawal of this measure with the greatest acclamation. Therefore it is, so far as this negative side is concerned, in my opinion that is more important and that is the reason why we are anxious that stable conditions should continue, that the law and order situation is under control. This Act is not only for the sake of the law and order situation but for the sake of the development of the country. That point should be understood very clearly and therefore if, for example, in the interest of the society, for the security of the society itself, we have to curb the individual liberties of certain persons, then inevitably and reluctantly that has got to be done and therefore I would submit that the very smallness of the number has a lesson behind it. Had this Act been not on the Statute Book, had there been no fear to these anti-social elements, what would have happened? Then naturally, the offences would have increased and the law and order situation would have been endangered to a large extent. May I point out here, and I shall subsequently deal with the question whether at all this is a lawless law as some hon. friends often claimed, how the High Court Judges as also the Supreme Court Judges have dealt with this position and how we have to pronounce opinion that so far as this Act is concerned, this is not a lawless law but this is a law which has to be taken into account? Under the circumstances, the only short question that arises is whether the Act is necessary & all and secondly, whether the Act has been abused. Now it cannot be called a lawless law at all. May I point out what the High Court Judges have stated in this respect? Now they have clearly stated

[Shri B. N. Datar.] that so far as the law of detention is concerned, it may be a penal detention. So far as penal detention is concerned, we are aware of it. After a judicial trial, if for example, a man has been convicted, then he has to suffer, what is known as—virtually it is a detention—imprisonment. For example, there are certain circumstances where actually it might be difficult to prove the commission of an offence because in this case there is no actual commission of the offence but there is a reasonable apprehension. I am quoting the words used by the High Court—they are not my words, but they are used by the High Court—'if there is a reasonable apprehension, if there is a reasonable suspicion.' Now this has to be reasonable and this has to be found out by taking into account what the man has done previously and what he is likely to do and therefore, so far as this Act is concerned, this has been brought into existence or put on the Statute Book by the Parliament for the purpose of preventing actions which would disturb peace and order, which would lead to the commission of certain crimes. That is the reason why the whole law of India has to be taken into account, not merely the penal law but also the other aspect of the law. That is the reason why the High Court Judges have rightly pointed out the real position and therefore it cannot be called a lawless law at all in the way in which my hon. friends opposite often use the expression that it is a lawless law or that it is a black law. It is nothing of the kind. It is a law passed by the Parliament for meeting a certain situation. Now so far as emergency is concerned, it may be either some other emergency or it may be the existence of such antisocial forces as cannot be brought under control by the operation of the ordinary law.

SHRI H. D. RAJAH: A lovely law.

SHRI B. N. DATAR: Therefore, I would submit that we have to take

these circumstances also into account. I am relying upon what the hon. Judges of the High Court have stated. They say:

"The complaint that the detenu under the Preventive Detention Act is deprived ..."

And then they point out also that there is the Advisory Board . . .

SHRI BHUPESH GUPTA: Read it fully.

SHRI B. N. DATAR: I am explaining the position so that you can understand it clearly. So far as these Advisory Boards are concerned, hon. Members pointed out that it is no substitute for a trial before a court. But here the High Court Judges have held that it is a judicial body. I am reading the rest now:

"The complaint that the detenu under the Preventive Detention Act is deprived of the opportunity of proving before the court that the statements contained in the grounds for detention were incorrect is untenable since it is open to him to prove the allegation before the Advisory Board."

So let the hon. Members understand that the Advisory Boards are there....

SHRI BHUPESH GUPTA: What is the . . .

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: Apart from the question of cross-examination which is the only element that may perhaps be lacking, all the other elements are there. It is not my view, not the view of a politician, - but it is the view of the Judge.

SHRI BHUPESH GUPTA: Which Judge said it? I think the hon. Minister is misleading the House.

MR. DEPUTY CHAIRMAN: He Is reading from a judgment.

SHRI BHUPESH GUPTA: But the ..

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: "It is open to him to prove his allegations before an Advisory Board constituted under the Act which consists of three persons who are or have been or are qualified to be appointed as Judges of the High Court."

SHRI H. N. KUNZRU: Can he engage a counsel to prove his cas(2?

SHRI B. N. DATAR: No counsel is necessary in this case. Let the hon. Member understand there are certain matters which cannot be placed so openly and the interests of the country have to be taken into account. Therefore . . .

SHRI BHUPESH GUPTA: What is the . . .

SHRI ABHIMANYU RATH: The charge-sheet of the police . . .

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: To allow a counsel to appear is almost to make it completely public and therefore, the higher interests of society and the security of the State have to be taken into account.

SHRI BHUPESH GUPTA: With the . . .

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: And to that end the liberty of the individual to a small extent will have to be subordinated. There is no dispute about that point.

SHRI AKBAR ALI KHAN: For the greater interest of society.

SHRI B. N. DATAR: Further they say:

"It is manifest, therefore, that the detenu has the fullest opportunity of having his allegation ..."

These are not my words, but the words of the Judges—

"It is manifest, therefore, that the detenu has the fullest opportunity of having his allegations of non-existence of grounds judicially determined by the Board."

And then they continue . . .

SHRI BHUPESH GUPTA: Which judgment is that? Which High Court?

SHRI B. N. DATAR: The Allahabad High Court, one of the seniormost High Courts of the land.

SHRI BHUPESH GUPTA: There have been many Supreme Court judgments. I can quote Chief Justice S. R. Das.

SHRI B. N. DATAR: The Supreme Court also holds the same view.

SHRI BHUPESH GUPTA: Which judgment of the Supreme Court holds it?

SHRI B. N. DATAR: Sir, I refuse to answer the question of the hon. Member.

PANDIT ALGU RAI SHASTRI (Uttar Pradesh): Questions have to be addressed to the Chair.

SHRI B. N. DATAR: Further it says:

"The subjective satisfaction as regards the sufficiency of the grounds for passing the detention order is the satisfaction exclusively of the authority which has to pass such an order."

And then I would not take much of your time. In another case it was held that when the matter was before the Advisory Board, then the application under the Habeas Corpus provision will not be entertained at all. Then we pass further on to other cases which also laid down the same principle. This is how the whole law has been very properly reconciled by the hon. Judges of the Bombay High Court:

[Shri B. N. Datar.]

"The conflict between the security of the State and the liberty of the subject is always a conflict difficult to resolve. But the Constitution and the Preventive Detention Act have sought to resolve it by arming the State with wide powers and at the same time by providing important safeguards for the liberty of the subject. It is with this background that we must look at the order which is challenged by this petition."

Lastly there was one case which was the subject matter of a prosecution. In that case the man had been acquitted and thereafter the order was passed under the Preventive Detention Act. Let this matter be very clearly understood. In that particular case there was acquittal, but all the same, subsequently the authorities had to take recourse to the Preventive Detention Act and detain the man under that Act. Then the matter went up to the High Court on the ground that this was *ultra-vires* and that the action was *mala fide*. But this is the answer of the High Court:

"Even after the acquittal of the detenu in a regular criminal trial Government proceeded to take action under the Preventive Detention Act. Action under that Act after the acquittal does not necessarily lead to the conclusion that the action of the Government is *mala fide*."

Then I will read out only one or two passages and finish:

"There is no reason why acquittal must necessarily mean that the acquitted person cannot be acting in a manner prejudicial to national security or the maintenance of essential supplies" etc. etc.

That is why, they say, Government came to the conclusion that it is necessary to detain him:

"A person can be detained under the provisions of the Preventive Detention Act even if he has not committed an offence proved under

the Penal Code or under any other law."

SHRI BHUPESH GUPTA: May I know the date of this case? When was it ... ?

SHRI B. N. DATAR: 1955, not very old at all. Now the next sentence is very important:

"It is entirely erroneous to think that the ordinary criminal law of the country and the Preventive Detention Act are substitutes one for the other. If anything they are complementary."

In these circumstances, it is entirely wrong to suppose that the Preventive Detention Act is a lawless law.. Even in the Constitution, Sir, we have got a provision for the Preventive Detention Act. That is the reason why unfortunately, on account of the circumstances then existing, this Act had to be passed by Parliament in 1950, and it had to be continued three or four times. And now we have come before this honourable House for the purpose of having its life extended only for three years. Let this honourable House remember that this matter has possibly been coming almost every year, before Parliament. Now, had we been so minded, had we been oblivious to the sanctity of individual rights, it would have been perfectly open to us with the majority that the Congress has, to have placed this Preventive Detention Act permanently on the Statute Book.

SHRI H. D. RAJAH: Now it is the same thing.

SHRI B. N. DATAR: And if we had done it, then Parliament would have had no opportunity of criticising the presence of that Act on the Statute Book. Hon. Members could only have criticised its abuse or misuse. But I want to point out that we have acted with the best of motives, even so far as the sanctity of personal freedom is concerned. But there are situations in which such a measure is necessary. But, if within three years' period the situation improves to such a

degree that its further retention on the Statute Book would not be necessary, we may not put it on the Statute Book. That would depend upon my hon. friends and other friends in the country. It is entirely for them to see that this Act need not be on the Statute Book, to see that all such elements act in a manner which is not prejudicial to public safety at all.

4 P.M.

Reference was made to the conditions in England, but we are all trying to go in the same direction. As one hon. Member suggested, England has been a democratic country, inland has been a disciplined country for about thousand years at least. As such, the political conditions there, the law and order conditions and since other conditions there are far better than what we have here. What did we have before the Britishers came here? Sir, we had conditions of instability, we had a reign of goondaism at least to a certain extent here and there but, with the arrival of the Britishers in India, these were stepped. These anti-social elements were thinking of—even now to a certain extent they are thinking—a reversal of the stability of the nation so that they could carry on as their ancestors did in the anti-social period once. That is the reason why we have to nurse this tender plant of democracy with as much care as it is necessary. It is for these reasons, Sir, may I point out, that this Act is sought to be extended, not in a light mood at all, nor even in a lighthearted manner at all, as Dr. Kunzru unfortunately pointed out? There is no lightheartedness about the reasons that have impelled the Government to ask for the continuance of this Act for a period of three years. I am confident, Sir, that when Dr. Kunzru was speaking, he had naturally before him the sanctity of individual liberty but, Sir, may I take his permission and yours too, to point out that the interests of the society are always higher than the interests of personal liberty? There can be no doubt at all about this and

I would point out, Sir, that wherever this Act had been used, had this not been used at all, conditions would certainly have been different. In fact, in a number of cases, as one hon. Member said, this Act was used so very leniently. Our contention is that we are aware of the sanctity of personal rights and that is why we take recourse to this Act at the last moment not at the first moment. Take the case of Madras. There are certain forces that are going on there, and we must sympathise with them for these conditions, but the Madras Government have not used this Act against the forces to which a reference was made by some hon. Member. Even so far as the Ramanathapuram incident is concerned, Government used this Act only once against one person.

SHRI H. D. RAJAH: The wrong person is inside and the right persons are outside.

SHRI B. N. DATAR: Whether it is right or wrong, I would try to answer the question very effectively but for two circumstances. One is that he was detained under the Preventive Detention Act. His case would have or must have gone to the Advisory Body. It would be prejudicial to his defence if I were to speak anything. Secondly, he is also being prosecuted under the Indian Penal Code itself. That is the reason why I would not like to say anything which would affect his case. There are other cases also in Ramanathapuram which are the subject matter of prosecution and in some cases, of investigation as well. Under these circumstances, I would not like to go into the merits of the case but would point out one instance to my hon. friend who possibly does not know it. When I went to this Ramanathapuram area, do you know the persons who accompanied me? There was a Communist Member of Parliament, a number of non-Congress Members of Parliament from that area and a representative of a body which called itself, "The All-Parties Convention". The Congress

[Shri B. N. Datar.] was not there and I was in the hands of these people. Let my friends know that.

SHRI H. D. RAJAH: One minute. Is it not true that they accompanied him on the first day when they visited certain areas and then disappeared on the second day?

SHRI B. N. DATAR: I shall point out what happened with regard to the hon. Members belonging to other political persuasions. I do not know Tamil and it was they who were translating my questions to the witnesses, to the unsophisticated witnesses and it was they who were translating the answers of these persons to me. They were also putting their own questions and getting the answers and telling me what they did. For two days this continued and when, for example, they found that in a particular place on which they were depending most for a proof of their case, there were witnesses who spoke entirely damaging things about their case, all on a sudden, without referring to me, without telling me, these hon. Members went away and then the next day issued a statement. We worked for two full days and we were working for not less than ten hours. They went away without informing me. That is the way in which fairplay is met. They then went to the press immediately after leaving me but, Sir, it must be said to the credit of one Communist Member—we must say this to his credit—that he was with me and it was he who has publicly thanked me, who has complimented me on having gone there though he and I differed only in respect of the publication of certain results of my enquiry. I must say to his credit that he was all along there with me and he was not happy at the way in which these hon. Members suddenly disappeared because the case was becoming entirely damaging to them. That is the way in which they have carried on but I am not going into all this because, as I stated earlier, the question is still *sub*

judice. One point may be taken into account. Thereafter, after a particular thing happened, the situation came under control and has remained under control, thanks to the action that the Madras Government has taken. It would be entirely wrong to approach the whole question with a particular preconceived notion mostly against the Madras Government. That is not a proper approach so far as the ascertainment of truth is concerned. So far as we are concerned, it is not necessary to go into the question. As I stated in the other House yesterday, we have already helped those persons who have suffered. We have received representations from the Madras Government asking for some more help. We are considering the matter with the sympathy that it deserves. Under the circumstances, may I point out to the hon. Member that even so far as the Ramanatha-puram incident is concerned, he ought to have no grudge at all.

I would mention only two or three points. One point would be that whenever we arrest persons, we take into account the fact as to whether anything he does is likely to have an individual aspect or whether it is likely to incite other persons. Those who are being arrested or detained always remain behind—that is the irony of the situation, unfortunately—to incite others to commit certain acts. Under these circumstances, you know the difficulties—with which we are confronted. High Court Judges have also mentioned this difficulty in certain cases where certain precautionary steps have to be taken. In such cases, it is very difficult to depend upon those principles of criminal jurisprudence with which our criminal trials and investigations are associated. There comes a time when we have to take the realities into account. The realities are that the witnesses would not be coming in because those poor witnesses who would speak against these instigators would be dealt with and you know how. You know how they would be finished.

We unfortunately know how our witnesses are terrorised and how they are not allowed to come forward. Taking into account the difficulties of the situation, we have and the State Governments mostly have detained such persons with great reluctance.

So far as the releases under the orders of the advisory boards are concerned, they are not many—I am putting it generally—and in 70 per cent, of cases the detentions are confirmed. In about thirty per cent, of cases the detentions are set aside. Now, merely because they are set aside, it does not mean, as Dr. Kjunzru suggested, that the detentions which have been ordered should not have been ordered at all. There is some time between the day when a person is detained and the time when the matter comes before the Advisory Board and, in a number of cases, even the authorities have pointed put to the Advisory Board that they are not interested in having the person detained. Therefore, the subsequent release does not relate back necessarily to the conditions that there were on the date of detention. Under the circumstances, I would point out—I would not go any further—that I have tried to answer the two questions. So far as the authorities are concerned, they have acted as scrupulously, as impartially as possible. That is point number one. Secondly, there is a great need for such an Act and it would be wrong to call it unnecessary. Thirdly, I have also pointed out how the provisions of this Act are not what is called lawless law but are part of the Indian law relating to detention which includes preventive detention, in addition to penal detention as well. I would not go into the other cases about the Punjab and others where also the number of detenus was extremely small. There were 1000 or 8000 cases, under the ordinary law, of persons arrested, but only a few, hardly about a hundred and odd were detained in Punjab. In Bombay also may I point out that during those excitable days, even there, the number of arrests was not i

very large. The number was hardly about . . .

SHRI BHUPESH GUPTA: All hardly.

SHRI B. N. DATAR: The number was not large. If the hon. Member does not want it I have no objection. The number was only 94 against the numerous arrests and out of 94 may I point out that in 70 cases they were confirmed by the Advisory Board and in only 24 cases they were released? Under the circumstances, I have tried to answer not apologetically, not overzealously, but taking into account the conditions as they are. In the light of these conditions, we have tried, we are anxious, to keep it on the Statute Book. The effect of keeping it will have a deterrent and restraining influence. We are more anxious for this purpose than we are anxious to detain more persons. That is all.

(*Interruptions.*)

MR. DEPUTY CHAIRMAN: The question is:

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

n

The House then divided:

AYES

Ammu Swaminadhan, Shrimati.

Basu, Shri Santosh Kumar,
Bedavati Buragohain, Shrimati. .
Bharathi, Shrimati K,
Bisht, Shri J. S.
Chauhan, Shri Nawab Singh,
Dangre, Shri R. V.
Deogirikar, Shri T. R.
Deokinandan Narayan, Shri.
Desai, Shri Janardhan Rao.
Dharam Das, Shri A.
Doogar, Shri R. S.
Dube, Shri Bodh Ram.
Dutt, Dr. Nalinaksha.
Faruqi, Moulana M.
Gilder, Dr. M. D. D.

Himatsingka, Shri P. D.
 Iyer, Shri N. Ramakrishna.
 Jain, Shri Shriyans Prasad.
 Jalali, Aga S. M.
 Joshi, Shri M. B.
 Jugal Kishore, Shri.
 Kapoor, Shri Jaspat Roy.
 Karayalar, Shri S. C.
 Khan, Shri Ahmed Said.
 Khan, Shri Akbar Ali.
 Khan, Shri Pir Mohammed.
 Khanna, Shri Mehr Chand.
 Kishori Ram, Shri.
 Krishna Kumari, Shrimati.
 Lall, Shri Kailash Bihari.
 Mahapatra, Shri Bhagirathi.
 Maya Devi Chetty, Shrimati.
 Mazhar Imam, Syed.
 Misra, Shri Govind Chandra.
 Misra, Shri S. D.
 Mukerjee, Shri B. K.
 Naidu, Shri P. S. Rajagopal.
 Naik, Shri Maheswar.
 Nanjundaiya, Shri B. C.
 Obaidullah Sahib, Shri V. M.
 Panjhazari, Sardar Raghubir Singh.
 Patil, Shri Sonusing Dhansing.
 Pattabiraman, Shri T. S.
 Pawar, Shri D. Y.
 Pustake, Shri T. D.
 Rajagopalan, Shri G.
 Ray, Dr. Nihar Ranjan.
 Reddy, Shri S. Channa.
 Rukmani Bai, Shrimati.
 Sahai, Shri Ram.
 Seeta Parmanand, Dr. Shrimati.
 Sharma, Shri B. B.
 Sharma, Shri Puma Chandra.
 Shastri, Pandit Algu Rai.
 Singh, Capt. Awadhesh Pratap.
 Singh, Thakur Bhanu Pratap.
 Singh, Sardar Budh.
 Singh, Babu Gopinath.
 Singh, Shri M. H. S. Nihal

1 Singh Shri Ram Kripal.
 Singh, Shri Vijay.
 Sinha, Shri B. K. P.
 Sinha, Shri R. P. N.
 Sur, Shri M. M.
 Surendra Ram, Shri V. M.
 Suryanarayana, Shri K.
 Tamta, Shri R. P.
 Tandon, Shri P. D.
 Tayyebulla, Maulana M.
 Tripathi, Shri H. V.
 Valiulla, Shri M.
 Varma, Shri C. L.
 Venkataraman, Shri S.
 Venkataramana, Shri V.
 Wilson, Shri T. J. M.
 Yajee, Shri Sheel Bhadra.
 Yashoda Reddy, Shrimati.

NOES

Gupta, Shri Bhupesh.
 Khan, Shri Abdur Rezzak.
 Kishen Chand, Shri.
 Kunhambu, Shri A. V.
 Kunzru, Shri H. N.
 Narasimham, Shri K. L.
 Rajah, Shri H. D.
 Rath, Shri Abhimanyu.

MR. DEPUTY CHAIRMAN:

Aye's	78
Noes	8

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill. Order, order. Your first amendment (Amendment No. 2) is out of order.

SHRI BHUPESH GUPTA: Why, Sir? I would like to know the reason.

MR. DEPUTY CHAIRMAN: The Bill seeks only to continue the Preventive Detention Act. So, no amendment can be made to the main Act. There has also been already a ruling in this House. I am reading the ruling:

"The Bill seeks to continue the Preventive Detention Act, 1950, and comes within the category of what is known as an Expiring Laws Continuance Bill. It is a well established practice in the House of Commons of the United Kingdom that where a Bill is brought to continue an expiring law, it would not be competent to move any amendments seeking to amend the provisions of the Act proposed to be continued. It is laid down in May's Parliamentary Practice, 15th Edition, pages 532-533, that the amendments which may be moved to an Expiring Laws Continuance Bill are subject to the following limitations:—

(1) An amendment is outside the scope of the Bill if it seeks to amend the provisions of the Act proposed to be continued or to make permanent such Act or to include in the Bill a statute which has already ceased to have effect; and

(2) An amendment may be moved to the operative clause of the Bill to alter the date to which the Act is to be continued."

SHRI BHUPESH GUPTA: I would like to make a submission to the Chair because we would like to argue that point in the House. Sir, you think that my amendment is not in proper order. But it relates to the jurisdiction. Now, Sir, the Bill relates to jurisdiction. The present Act ceases. The Government wants to extend the life of the Act. Now they are having it. I say that within the jurisdiction of the Act falls the operation of the Act. My amendment relates to the area to which the Act should apply. Here this is not an amendment, so to say, of some of the provisions of the Act. It is only in regard to the jurisdiction of the Act in point of place, not in point of time. I say that this cannot be taken in the same way as any other amendment to the original Act. Therefore, Sir, I would request you to reconsider the ruling

in the light of these observations of mine. My amendment only suggests that certain areas should be included or excluded. That is all.

MR. DEPUTY CHAIRMAN: I have already ruled that it is out of order. So, any other amendment, except limitation as regards time, is ruled out.

SHRI BHUPESH GUPTA: Do I understand that this applies to my amendment No. 6 also "provided that no one who is a member of any legislature in India shall be liable to be arrested and detained under this Act"?

MR. DEPUTY CHAIRMAN: Yes, that also. Except as regards time, all other amendments are ruled out. Amendment of Mr. Rajah and No. 3 may be moved. No. 4 is out of order.

SHRI BHUPESH GUPTA: That relates only to the manner of application. You have ruled out almost everything.

MR. DEPUTY CHAIRMAN: Nos. 5 and 6 are also out of order.

Clause 2—Amendment of section 1, Act 4 of 1950

SHRI H. D. RAJAH: Sir, I move:

1. "That at page 1, line 7, for the figures, letters and words '31st day of December, 1960' the figures, letters and words '31st day of December, 1958' be substituted."

SHRI BHUPESH GUPTA: Sir, I move:

3. "That at page 1, line 7, for the figures, letters and words '31st day of December, 1960' the figures, letters and words '31st day of March, 1958' be substituted."

(The above amendment also stood in the names of Dr. R. B. Gour, Shri N. C. Shekar, Shri A. V. Kunhambu, Shri Abdur Rezzak Khan and Shri Perath Narayanan Nair.)

MR. DEPUTY CHAIRMAN: The clause and the amendments are before the House.

SHRI H. D. RAJAH: Sir my amendment now restricts the time from 1960 to 1958. I have heard the arguments of my friend Mr. Datar. He said in his speech that he consulted the State Governments before he introduced the Bill here. I would like to know from him whether he consulted the Kerala Government and whether they are anxious to introduce or use this Bill against their political opponents. Now I know that their opponents in Kerala are the Congress Party members and the P.S.P. members. If they have to use this measure against them, they would not like it very much. Therefore, I would seek enlightenment from my hon. friend whether the Kerala Government approved of this Bill or not.

Secondly, he said that the continued application of this Bill was necessary. I would entreat him to tell us whether the conditions in our country today are the same as those of 1950. If it was the same between 1950 and 1958, I can only say I am sorry for this Congress Government of this country. You have not been able to improve the position during the past eight years of your regime, and you want an Act of this nature to continue for another three years. It reflects your character and your method of running the Government.

I have nothing more to say.

SHRI BHUPESH GUPTA: Sir, my amendment restricts the period of this Act, and I have given it because I think, after the Bill has been accepted in principle, that is the only way I could save the situation; and I do not know if it is possible for me to impress upon the Government that the period should be restricted. Now I say you continue this Act up to 31st March 1958. Put your hand on your heart and say whether it is necessary. You consider the arguments that we have given. If you are under the delusion that you have answered us, then you are profoundly mistaken.

I would appeal to Mr. Datar not to live under such self-delusion. This Act is liable to be abused. That is why I want to restrict the time limit.

Their friend, the "Statesman" wrote an editorial in support of this measure, and even that paper had to say "there is always the danger that special power, if available, will be used not because it is really necessary but because it saves official trouble". This is what the "Statesman" writes. It is no use telling us that you are applying it against yourselves also. It is a measure designed to be applied against the opposition.

A reference was made to a speech by the hon. Law Minister in the other House citing a case in which the law was supposed to have been applied against a Congressman. That related to the end of 1953 when Shri Sadhan Gupta was first elected. Here I have got statistical information regarding the working of the Preventive Detention Act for the period from September 1953, when his election took place, to September 1954. You can come and see the report, page 30, West Bengal. There you do not find any Congressman. There are men of C. P. I. and P. S. P. and others, but no Congressmen at all. I therefore say that the hon. Law Minister was misleading the other House when he said that a Congressman was arrested under this law, and this has been repeated in this House. Either the report is telling a lie or somebody else is not telling the truth. This is the position. I can prove on the basis of this Government document that at the time of Shri Sadhan Gupta's election in West Bengal, nobody who is a Congressman was arrested, because the statistical report does not furnish that information though it gives information about other arrests being made. That is how it is misused. After that they try to tell all kinds of cock and bull stories, misleading the House. We would not like to have this kind of thing.

Sir, some hon. Member said thlat the measure was against the Commu nist Party and others in the opposi tion. This is the real motive behind it. The Preventive Detention Act is solely for the purpose of being applied against us of the opposition, against us who belong to the Commu nist Party. It is a measure to safe guard the security of the ministerial clique. It is a measure intended to crush the legitimate trade union movement in the country, as it has been done in West Bengal, in the tea plantations and elsewhere. It is a measure designed to cover up the political bankruptcy of the ruling party(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: Then they talk about communalism, as if without this measure they cannot fight communalism. It is a slur on the people. Communalism is fought by democracy, not by tyranny and autocracy. Communalism is fought not by Preventive Detention Act but by education and enlightenment of the people, not by this kind of vendetta which a measure like this implies. This is what I say. Sir, the Leader of the Opposition in the other House was a victim of the tyranny of the Ruing Party and was subjected to imprisonment under the Preventive Detention Act. He is sitting there defying in earnestness your argument and logic. You should learn from him. The issue is not how many you have detaired; the issue is whether you hŕve detained them without trial. The hon. Dr. Kunzru raised this point and the hon. Minister did not answer it. I do not accuse them of light-heartedness. I accuse them of . . .

(Interruptions.)

MR. DEPUTY CHAIRMAN: You are again talking on the general principles. This is an amendment.

SHRI BHUPESH GUPTA: The Kerala Government have said that

they do not want this Act. Then, why are you including Kerala in the list? For what purpose? (Interruptions.) The hon. Minister has said that the State Governments had been consulted and the hon. Minister said that this measure did not come from the Congress Party. Well, I do not know since when Mr. Krishnamachari has captured the Congress and has even abolished its name. The Congress Party in power must take all the responsibility for these things.

(Interruptions.)

AN. HON. MEMBER: He is irrelevant.

MR. DEPUTY CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: Let them say why this has been brought in?

MR. DEPUTY CHAIRMAN: This is only about the extension of time. You want reduction of time.

SHRI BHUPESH GUPTA: Yes, Sir, reduction of time.

MR. DEPUTY CHAIRMAN: It is thoroughly irrelevant.

SHRI BHUPESH GUPTA: Please hear me, Sir.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order. I am calling on you . . .

SHRI BHUPESH GUPTA : You should hear m'e. I have a right to talk on this Bill.

MR. DEPUTY CHAIRMAN: It is only relevant things on which you can speak. You speak on your amendment; I will allow it, but not . . .

(Interruptions.)

SHRI BHUPESH GUPTA: It is a strange thing. Without hearing me you have ruled out. (Interruptions.)

[Shri Bhupesh Gupta.]

I say a new thing. I say, the period of three years is a new argument. You are a very reasonable person. Sometimes, you should be in good humour a little.

MR. DEPUTY CHAIRMAN: That is right. Ten minutes . . .

SHRI BHUPESH GUPTA: Ten minutes? So kind of you.

MR. DEPUTY CHAIRMAN: I cannot allow you any time. We have exceeded the time.

SHRI BHUPESH GUPTA: You hear my arguments, Sir.

MR. DEPUTY CHAIRMAN: About your amendments, but not about the general principle.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

HON. MEMBERS: Order, order, please sit down.

SHRI BHUPESH GUPTA: You can never control me; only the Chair can control me.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: This is Sir . . .

MR. DEPUTY CHAIRMAN: You speak about your amendment; not about the general principle.

SHRI BHUPESH GUPTA: I am speaking about it. Before I can speak . . .

MR. DEPUTY CHAIRMAN: You have been speaking for ten minutes and you have said nothing about your amendment.

SHRI BHUPESH GUPTA: What I say is that this period of time limit should not be there; that should be

three months. I am entitled to say that. I am giving my arguments. (Interruptions.) Sir, the less the time limit, the better it will be. If you extend it to a wider area and bring in Kerala also, it only aggravates your approach in this matter. This is what I am saying.

MR. DEPUTY CHAIRMAN: All right.

SHRI BHUPESH GUPTA: Is it not understandable by you, Sir?

MR. DEPUTY CHAIRMAN: Mr. Datar.

SHRI BHUPESH GUPTA: This is the point that I am making.

(Time bell rings.)

MR. DEPUTY CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: Therefore, I say, let them exclude Kerala. Why are they applying it there? Give us an assurance.

(Interruptions.)

MR. DEPUTY CHAIRMAN: I have already ruled it out of order.

SHRI B. N. DATAR: The only argument to my friend is a line from Goldsmith about a teacher. He has stated "Though vanquished, he would argue still". That is the only argument because it is entirely devoid of substance. So far as this point is concerned, he has taken entirely a wrong advantage of speaking on the amendment when he went on replying to my answer which was absolutely effective so far as that point is concerned.

There is no point in his contention so far as the other point is concerned. Sir, we consulted all the State Governments. Excepting the State of Kerala, all the others desired that this should be continued on the Statute Book.

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, 'line 7, for the figures, letters and words '31st day of December, 1960' the figures, letters and words '31st day of December, 1958', be substituted."

SHRI BHUPESH GUPTA: We want a division.

MR. H. D. RAJAH: We want the matter to go into the record.

MR. DEPUTY CHAIRMAN: Yes, have a division.

SHRI H. N. KUNZRU: Mr. Bhupesh Gupta's amendment should be Voted first and if that is lost, then the <)ther amendments should come.

MR. DEPUTY CHAIRMAN: If one year is granted, automatically three months come in there. So, I will first put Mr. Rajah's amendment to vote and if the House cannot give one year, certainly it will not give three months. It goes automatically.

SHRI BHUPESH GUPTA: How does the House know it? It may have certain discussions.

MR. DEPUTY CHAIRMAN: All right.

SHRI BHUPESH GUPTA: Sir, may I remind you about the paper to be laid on the Table?

MR. DEPUTY CHAIRMAN: I got only a portion of it.

SHRI BHUPESH GUPTA: Before we leave, we should have it: before you would rule . . .

MR. DEPUTY CHAIRMAN: You need not have any fear about it. We want to compare it with the tape-recorder also.

SHRI BHUPESH GUPTA: When do we take it up? We want to raise it today.

MR. DEPUTY CHAIRMAN: I am afraid you cannot have it today.

SHRI BHUPESH GUPTA: Can I have the tape-recorder heard here?

MR. DEPUTY CHAIRMAN: I have only a portion of the Speech. But there is no mention about it. I am getting the full report and compare . . .

SHRI BHUPESH GUPTA: Not heard about this?

MR. DEPUTY CHAIRMAN: It is not so easy.

SHRI BHUPESH GUPTA: Even I heard it; you must have heard it.

MR. DEPUTY CHAIRMAN: I did not hear any'such thing.

The question is:

1. "That at page 1, line 7, for the figures, letters and words '31st day of December, 1960' the figures, letters and words '31st day of December, 1958' be substituted."

The House divided.

AYES

Gupta, Shri Bhupesh

Ismail Saheb, Janab M. Muhammad

Joshi, Shri M. B.

Kishen Chand, Shri

Kunhambu, Shri A. V.

Kunzru, Shri H. N.

Rajah, Shri H. D.

Rath, Shri Abhimanyu

Tripathi, Shri H. V.

NOES

Ammu Swaminadhan, Shrimati

Basu, Shri Santosh Kumar

Bedavati Buragohain, Shrimati

Bharathi, Shrimati K.

Bisht, Shri J. S.

Chandravati Lakhanpal, Shrimati

Chauhan, Shri Nawab Singh.

Dangre, Shri R. V.

Das, Shri Biswanath

Deogirikar, Shri T. R.

Deokinandan Narayan, Shri

Desai, Shri Janardhan Rao

Doogar, Shri R. S.

Dube, Shri Bodh Ram

Dutt, Dr. Nalinaksha
Himatsingka, Shri P. D.
Iyer, Shri N. Ramakrishna
Kapoor, Shri Jaspat Roy
Karayalar, Shri S. C.
Khan, Shri Abdur Rezzak
Khan, Shri Ahmed Said
Khan, Shri Akbar Ali
Khanna, Shri Mehr Chand
Kishori Ram, Shri
Krishna Kumari, Shrimati
Lall, Shri Kailash Bihari
Mahapatra, Shri Bhagirathi
Maya Devi Chettry, Shrimati
Mazhar Imam, Syed
Misra, Shri Govind Chandra
Misra, Shri S. D.
Mukerjee, Shri B. K.
Naidu, Shri P. S. Rajagopal
Naik, Shri Maheswar
Nanjundaia, Shri B. Q.
Obaidullah Sahib, Shri V. M.
Panjhazari, Sardar Raghbir Singh
Patil, Shri Sonusing Dhansingh
Pattabiraman, Shri T. S.
Pawar, Shri D. Y.
Pustake, Shri T. D.
Raghavendraro, Shri
Rajagopalan, Shri G.
Ray, Dr. Nihar Ranjan
Reddy, Shri S. Channa
Rukmani Bai, Shrimati
Saddiqa Kidwai, Begum
Sahai, Shri Ram
Seeta Parmanand, Dr. Shrimati
Sharma, Shri B. B.
Sharma, Shri Purna Chandra
Shastri, Pandit Algu Rai
Singh, Capt. Awadesh Pratap
Singh, Thakur Bhanu Pratap
Singh, Babu Gopinath
Singh, Shri M. H. S. Nihal
Singh, Shri Ram Kripal
Singh, Shri Vijay
Sinha, Shri B. K. P.
Sinha, Shri R. P. N.
Sur, Shri M. M.
Surendra Ram, Shri V. M.
Suryanarayana, Shri K.
Tamta, Shri R. P.
"Valiulla, Shri M.
Varma, Shri C. L.
Venkataraman, Shri S.
Venkataramana, Shri V.
Wilson, Shri T. J. M.
Yajee, Shri Sheel Bhadra

Yashoda Reddy, Shrimati.

MR. DEPUTY CHAIRMAN:

Ayes	..	9
Noes	..	71

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 1, line 7, for the figures, letters and words '31st day of December, 1960' the figures, letters and words '31st day of March. 1958', be substituted."

(After a count)

Ayes	7	Noes
	74	

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

SHRI B. N. DATAR: Sir, I move: "That the Bill be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed." I am not allowing any speeches.

SHRI BHUPESH GUPTA: Why, Sir? This is third reading. There is time Are we adjourning so soon?

MR. DEPUTY CHAIRMAN: We should have closed at 4 o'clock. We have taken 45 minutes more already.

SHRI BHUPESH GUPTA: Are we adjourning after this?

MR. DEPUTY CHAIRMAN: No, we have another Bill.

SHRI BHUPESH GUPTA: Let us have some time for the third reading, Sir, 10 or 15 minutes to me.

MR. DEPUTY CHAIRMAN: I will give you five minutes.

SHRI BHUPESH GUPTA: Ten minutes you give me, Sir.

MR. DEPUTY CHAIRMAN: Five minutes to you and five minutes to Mr. Datar.

SHRI BHUPESH GUPTA: I do not know what to say. The indignation is such that I cannot find the expression, but I would like to have, since the Bill has been passed practically, an assurance from the hon. Minister as to how it is going to be used. We have grave doubts in our mind still, even after all the speeches that had been made.

I think, Sir, the Congress Party is in a crisis to-day, and the more their support is shifting away from them, the greater panicky they become and the proclivities to use the Preventive Detention Act are growing in the ruling party and that always goes with political bankruptcy. Sir, I am fearing that in the States and other places they would be using this measure not for the security of India, nor for the defence of our country nor for maintaining the supplies of essential commodities. We have known how the funds of the Government have been dissipated and how the interests of the people have been damaged by certain deals of the Government. We have seen how, despite the Preventive Detention Act, profiteering and hoarding have gone on in the country and those gentlemen profiteers have been making over the illgotten money to the Congress election fund. We have also seen, Sir, how, despite the Preventive Detention Act we cannot catch hold of people like the Mundras—I am using the plural—but we open the exchequer to offer the funds of the people, which we hold in a fiduciary capacity, and

swindle and gamble away public funds. That is what we have seen.

Sir, this measure is used as a method of terrorism. Threats have been given to us. I may tell the hon. Minister that the Communist Party is here because it believes in democracy. It never cares for a threat. That is what I say. The Communist Party is only trying to save the growing Indian democracy from the assault and rape of the ruling party. We are trying to see how that democracy develops without such inhibitions, without such laws, without such restrictions, without such measures that bring disgrace, not merely to the Statute Book but to the country as a whole.

Sir, mention has been made of various countries; I need not go into all that. I know that the Congress Party is supposed to be a big party; always we are told about their majority, their leaders, their big things. But I know their cowering fear when they face the people, and they dare not face them without the Preventive Detention Act, this method of intimidation, this method of terrorism, this method of silencing legitimate movements in the country, this method of stifling and assaulting democracy, and that is why we oppose it. We are not afraid of spending time in prison. We have spent under the British a lot of our lifetime in prison. If necessary, for the service of the people we shall do it again. But it is not a question of whether I am in jail or not. Nobody to-day is free from the threat, not even a Member of Parliament. My amendments were there, which you have ruled out, that Members of the Legislature should be exempt. But here we are, in a democracy, the display of which we have seen there, that the Members of the Legislature even are not exempt from the Preventive Detention Act. What sort of democracy, gentlemen, you are building. I would ask you? It is no use taking Gandhiji's name in the morning and having a deal with the Mundras in the

[Shri Bhupesh Gupta.] afternoon. We do not want to have that kind of democracy; we do not believe in such a thing. This is what I say. Therefore, I would say: Let him have the courage to declare on the floor of the House that this measure will not be used against the organised trade union movement, against the political parties of the opposition, for suppressing the democratic demands of the people, whether they be posts and telegraph employees or bankmen or pressmen. Let him declare.

SHRI T. S. PATTABIRAMAN: Have you adhered to these principles in Kerala?

SHRI BHUPESH GUPTA: It will take a long time for you to be promoted to the position of Ministership. Therefore I am asking...

SHRI T. S. PATTABIRAMAN: I am a Member and I can ask you to prove what you say. Have you adhered to these principles in Kerala of not suppressing the democratic demands of the people?

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: I think, Sir, the best way to treat such interruptions is to ignore them for the present.

As far as Kerala is concerned, we have told you. Despite threats of attack, despite all kinds of bribery and corruption, despite the display of physical violence, our party there does not intend to use the Preventive Detention Act. We stand by the national pledge and that will be our guiding light.

Why are you using it? Therefore, Sir, I would request you, if you can persuade him to make a statement, not to evade the issue. Let him tell the country that these measures shall not be used against the political opponents. You cannot escape the situation.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: It is no use jumping up. I know. Let me finish. I know about the Congress Party there. It will continue. We shall also be there. There should be common agreement with regard to such measures. But it is a one-party rule where we are getting such measures. When they come we in the opposition oppose them. They say, "We shall not listen to them" although majority of the votes came to the opposition in the election, not to the Congress. This is not the way of treating the opposition. By treating the opposition in this cavalier manner, by disregarding their suggestions and views, by threatening and intimidating in this manner you are disgracing yourself; you are not merely disgracing yourself; you are disgracing at the same time the country. Do you think that the opposition is going to be silenced? If you think that the opposition is going to give up their present political stand and develop political renegacy and join you, then of course you are profoundly mistaken. Therefore proper codes of conduct should be laid down. Ideologically there are differences. So let us go to the people and convince them who is right and who is wrong. This is how it should be approached. People have the right to agitate for their demands, to go forward in their movement. And you have no right to employ or use the threat of the Preventive Detention Act. It is no good talking big things while you brandish this big stick. That is not the way of democracy. Sir, I do not know whether I have made any sense to him. The Home Ministry of our country lives in the days of Maxwell, and I think it should live in the future that is before us.

SHRI G. RAJAGOPALAN: Maxwell was your friend in 1942.

SHRI BHUPESH GUPTA: Sir, Honourable Member is a very lovable person. But I want some assurance

from the hon. Minister. We Have expressed our doubts; we Have expressed our misgivings and we fcfave advanced our arguments. Pandit Kunzru, a venerable Member of |this House, has also opposed it, and(so has Mr. Rajah opposed it. The Praia-Socialist Party has opposed it. We say that we represent the majo rity of the voters outside (*Time bell rings*) and therefore, Sir, we want the Government not to use this measure. If the Government l)ave got the courage, respect for democracy, and decency in public life, the hon. Minister should get up and tell us that never, never shall this measure be used against political opponents for crushing democracy. And this is all that I would like to say. I do not know his mind. He is smijling. It seems he is very happy with the Preventive Detention Act. I would like to know his mind.

SHRI AKBAR ALI KHAN: Sir, if he wants the Supreme Court ruling, I can give that ruling supporting the contention of the hon. Mover.

MR. DEPUTY CHAIRMAN: Not necessary.

SHRI BHUPESH GUPTA: You can try that in the Hyderabad courts. That will be materially good for you.

SHRI B. N. DATAR: Sir, whatever assurance is necessary has been given not merely by words but also by the very sparing manner in which this Act has been used during the last seven years. Under the circumstances, Sir, I am not going to give any assurance of the nature that he wants because all that he wanted was not for the purpose of any assurance but because Congress has been his obsession Therefore I am not going to reply to any of his arguments, because there is no substance in them at. ail.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The House divided.

SHRI BISWANATH DAS (Orissa): Sir, my vote has not been recorded.

SHRIMATI CHANDRAVATI LAKHANPAL (Uttar Pradesh): Sir, my vote has also not been recorded.

SHRI BHAGIRATHI MAHAPATRA (Orissa): Sir, my vote has also not been recorded.

SHRIMATI BEDAVATI BURAGOHAIN (Assam): Sir, my vote also has not been recorded.

AYES

Abid Ali, Shri

Aramu Swaminadhan, Shrimati

Basu, Shri Santosh Kumar

Bedavati Buragohain, Shrimati

Bharathi, Shrimati K.

Bisht, Shri J. S.

Chandravati Lakhanpal, Shrimati

Chauhan, Shri Nawab Singh

Dangre, Shri R. V.

Das, Shri Biswanath

Deogirikar, Shri T. R.

Deokinandan Narayan, Shri

Desai, Shri Janardhan Rao

Dharam Das, Shri A.

Doogar, Shri R. S.

Dube, Shri Bodh Ram

Dutt, Dr. Nalinaksha

Gilder, Dr. M. D. D.

Himatsingka, Shri P. D.

Iyer, Shri N. Ramakrishna

Joshi, Shri M. B.

Jugal Kishore, Shri

Kapoor, Shri Jaspat Roy

Karayalar, Shri S. C.

Khan, Shri Ahmed Said

Khan, Shri Akbar Ali

Khan, Shri Pir Mohammed

Khanna, Shri Mehr Chand

Kishori Ram, Shri

Krishna Kumari, Shrimati

La'll, Shri Kailash Bihari

Mahapatra, Shri Bhagirathi

Mahesh Saran, Shri

Maya Devi Chettry Shrimati

Mazhar Imam, Syed

Misra, Shri Govind Chandra

Misra, Shri S. D.

Mukerjee, Shri B. K.

Naidu, Shri P. S. Rajagopal

Naik, Shri Maheswar
 Nanjundaiya, Shri B. C.
 Obaidullah Sahib, Shri V. M.
 Panjahazari, Sardar Kaghbir Singh
 Patil, Shri Sonusing Dhansingh
 Pattabiraman, Shri T. S.
 Pawar, Shri D. Y.
 Pustake, Shri T. D.
 Raghavendrarao, Shri
 Rajagopalan, Shri G.
 Rao, Shri V. C. Kesava
 Ray, Shri Nihar Ranjan
 Reddy, Shri S. Channa
 Rukmani Bai, Shrimati
 Saddiqa Kidwai, Begum
 Sahai, Shri Ram
 Seeta Parmanand, Dr. Shrimati
 Sharma, Shri B. B.
 Sharma, Shri Purna Chandra
 Shastri, Pandit Algu Rai
 Singh, Capt. Awadhesh Pratap
 Singh, Thakur Bhanu Pratap
 Singh, Babu Gopinath
 Singh, Shri Ram Kripal
 Singh, Shri Vijay
 Sinha, Shri B. K. P.
 Sinha, Shri R. P. N.
 Sur, Shri M. M.
 Surendra Ram, Shri V. M.
 Suryanarayana, Shri K.
 Tamta, Shri R. P.
 Tayyebulla, Maulana M.
 Tripathi, Shri H. V.
 Valiulla, Shri M.
 Varma, Shri C. L.
 Venkataraman, Shri S.
 Venkataramana, Shri V.
 Wilson, Shri T. J. M.
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

NOES

Gupta, Shri Bhupesh

Ismail Saheb, Janab M. Muhammed
 Khan, Shri Abdur Rezzak
 Kishen Chand, Shri
 Kunhambu, Shri A. V.
 Kunzru, Shri H. N.
 Rajah, Shri H. D.
 Rath, Shri Abhimanyu

MR. DEPUTY CHAIRMAN: Their
 are 79 for Ayes and 8 for Noes.

The motion was adopted.

5 P.M.

THE DELHI DEVELOPMENT BILL, 1957

THE MINISTER OF STATE IN THE
 MINISTRY OF HOME AFFAIRS: (SHRI B.
 N. DATAR): Mr. Deputy Chairman, I beg to
 move:

"That the Bill to provide for the
 development of Delhi according to plan
 and for matters ancillary thereto, as passed
 by the Lok Sabha, be taken into
 consideration."

So far as this Bill is concerned, there was
 a discussion in regard to the manner in which
 we should have the Delhi Municipal
 Corporation and a separate Delhi Development
 Board while that Bill was under discussion in
 this House. All the same I shall very briefly
 point out the reasons that impelled the
 Government of India to have a separate
 Development Board established for certain
 purposes. We had a Committee appointed in
 1950 under the Chairmanship of Shri Birla for
 finding out how the Improvement Trust in
 Delhi had been working. The report was
 received in 1954 and then the question was
 under consideration. They made a number of
 suggestions one of which was that so far as
 Delhi is concerned, there ought to be a body
 which would be in a position to competently
 and effectively deal with the question of
 development. The development in Delhi is a
 fairly arduous task. You are aware that the
 population of Delhi has been increasing almost
 by leaps and bounds. It was 17 lakhs in 1951
 and in all probability we are having nearly
 a population of either 20 lakhs or just over.
 Now in spite of the Improvement Trust being
 there and there was also a subsequent Delhi
 Development Authority, still matters have not
 improved and the task of development has to
 be systematically carried out. You are also
 aware that so far as Delhi area is concerned, we
 are having a spasmodic and highly