

MR. DEPUTY CHAIRMAN: The question is—

4. "That at page 2, after line 13, the following be added, namely:—

'(5) Nothing in this Act shall be deemed to confer any power on the President of India to enact any measure which will enhance the tax or land revenue payable by a person whose income is less than three thousand rupees a year.'

The motion was negatived.

1 MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 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: The question is:

"That the Bill be passed." The motion was adopted.

#### **MOTION RE WORKING OF THE PREVENTIVE DETENTION ACT, 1950**

MR. DEPUTY CHAIRMAN: Mr. Datar.

THE MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Sir.....

SHRI BHUPESH GUPTA (West Bengal): Before the hon. Minister begins to speak, I made certain requests about certain papers connected with the working of the Preventive Detention Act. Subsequently, we find that another statement was given

I more or less on the same lines of the other statement. We would like to know from the Government whether the Government is in possession of at least some of the charge-sheets and answers to the charge-sheets of the detenus that had been placed before the advisory boards. At this stage, I would not expect them to circulate among all the Members, but I would like those documents to be laid on the Table of the House, so that we can refer to them in the course of the debate. Otherwise, it becomes very difficult for us to look into the matter as to how the law has been operating in the various States. We have great misgivings about this matter and I think, we are entitled to have a better insight into the whole matter rather than being called upon to do so merely on the basis of the statements that have been given to us. And why the hon. Minister should be opposed to it, I simply cannot understand.

MR. DEPUTY CHAIRMAN: This matter has been answered.

SHRI BHUPESH GUPTA: I know he is in possession of some.....

MR. DEPUTY CHAIRMAN: This question was raised and the answer has been given. So, let the hon. Minister move the Motion. You have full right to comment upon it. Mr. Datar.

SHRI BHUPESH GUPTA: They may change their mind.

MR. DEPUTY CHAIRMAN: Order, order. Let him move the Motion.

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

"That the statistical information on the working of the Preventive Detention Act, 1950, during the periods 30th September, 1954 to 31st December, 1955 and from 31st December, 1955 to 31st March, 1956, laid on the Table of the Rajya Sabha on the 15th and 26th Ma-". 1956, respectively, be taken into consideration."

[Shri B. N. Datar.]

The Motion has been placed before this House in accordance with the assurance that was given to this House when the amendment of this Bill was passed some months ago. I would not go into the earlier history of this Bill, but I would point out only three or four circumstances to show why the Government consider it necessary to have the Preventive Detention Act on the Statute and how subsequently, it became necessary to amend it. But the House will note that the amendments have been on very liberal lines. In 1950, this Preventive Detention Act was passed into law, a few months after the Constitution was adopted. The Constitution also made clear that it would be open to Parliament to make law regarding preventive detention. And the first Home Minister of India, the late Sardar Vallabhbhai Patel, when in October or November 1950, he had to bring forward a Bill for the purpose of having a law on preventive detention, pointed out to the then Parliament that he passed three sleepless nights .....

SHRI BHUPESH GUPTA: Why?

SHRI B. N. DATAR: ..... and then came to the conclusion that it was absolutely essential. And therefore, he came with a Bill. That Bill was passed in 1950, and subsequently two other amending Bills were passed.....

SHRI S. N. MAZUMDAR (West Bengal): Is the hon. Minister passing sleepless nights now?

SHRI BHUPESH GUPTA: Is he having good sleep since then?

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: I would not like to answer such questions at all.

Now, so far as preventive detention is concerned, the question is whether preventive detention is absolutely essential in the interests of

India. Certain circumstances have been laid down and I would not go into those circumstances. They have been laid down in the Preventive Detention Act itself in section 3. Therefore, it was considered necessary that there ought to be a Preventive Detention Act. Certain circumstances naturally combined to make it necessary that the period of this Act should be continued, or extended, and when the last amendment was passed! in 1954, it was made clear that this Act would continue to have life till the end of the year 1957. Then, it was also made clear that, so far as the subsequent future of this Act was concerned, it should be left to the new Parliament. But when this Act was passed, an assurance was given that every year a Motion would be placed before the honourable Houses of Parliament, so that Parliament would have an opportunity of understanding the manner in which this Act has been administered in the various parts of India by the States, and to a very small extent by the Centre. Because you will find that naturally it is the various States who have to take necessary action for preventive detention under this Act. And, therefore, as per that assurance, this Motion has been brought forward before this House.

Now, certain materials have been placed before this House and the House will find that there has been a progressive decrease in the number of detenus, in the number of detentions. In this connection, I would point out to this House how, from 1950 onwards, when the Preventive Detention Act was first passed, the figures have been gradually, but to a very large extent, coming down every year. The House is aware of the conditions obtaining in 1950, especially in certain parts of Hyderabad State and other States also. We have also to understand the circumstance. There were and there are certain elements which are anti-social in nature, which take delight in allowing restlessness to continue. And, therefore, it was necessary, in the interests of India, to

have this Act passed. In 1950, the number of detentions under the Preventive Detention Act was 10,962.

From these figures, you would find out why the late Sardar Vallabhbhai Patel passed sleepless nights and ultimately got this Act passed by the then Parliament. Previously also, there were some Acts here and there in some States. They were provincial Acts which were in force before partition. They were all withdrawn and replaced by the Central Preventive Detention Act.

The figure that we have for 1950 is 10,962. But, as I go on giving further figures, it would be clear that gradually, this figure came down in a very radical manner and in 1951, we had 2,316 detenus only. So, from about 10,000, it came down to almost one-fifth of it, namely, 2,000 and odd. In the year 1952, the figure came down by half; it was 1,116. Then I am giving further figures which would show how they are gradually coming down. From 1st October 1952 to 30th September 1953, the figure was 736, because, for computation, State Governments sent figures as up to 1st October 1952 and therefore, the figure from 1st October 1952 to 30th September 1953 is 736.

SHRI S. MAHANTY (Orissa): May I know what these figures prove?

SHRI S. N. MAZUMDAR: That the Act is no longer necessary.

SHRI B. N. DAT AR: So, the figure was 736. From 1st October 1953 to 30th September 1954, the figure was 280. Then from 1st October 1954 to 30th September 1955, the figure rose a little, because it was 325. There was some agitation in the Punjab on the part of the Akali Dal and, therefore, we had to resort to the provisions of this Act and, therefore, during the year 1954-55, the number came to 325 as against 280 in the previous year. From 1st October 1955 to 31st December 1955, the figure is only 64. And from 1st March 1956 to 31st

March 1956, the figures have been obtained after information was supplied to Parliament. So, you will find that from 1st January 1956 to 31st March 1956, the figure is only 160. So, it will be clear that the figures have been coming down.

Then the question arose—and possibly my hon. friend hinted at that—that, if the figures were coming down, what was the need for having this Act on the Statute Book at all? I would answer that question. So far as this Act is concerned, the presence of this Act on the Statute Book itself is serving as a restraining or deterrent influence.

SHRI S. MAHANTY: Will it be a permanent feature? I would like to know. I am not speaking. I would like to know only if it is going to continue as a permanent feature of our penal codes.

SHRI B. N. DAT AR: I do not consider myself called upon to bind the future. It depends upon the circumstances; it depends upon the actions of some hon. friends; it depends upon a number of considerations.

*(Interruptions.)*

MR. DEPUTY CHAIRMAN: Order, -, order.

SHRI B. N. DATAR: As at present, so far as the present Act is concerned, it will continue to be in force till the end of 1957. Therefore, two questions arise now, as to whether it has been properly or sparingly used, and whether the presence of the Act till the 31st December 1957 is necessary.

So far as the first question is concerned, I have already pointed out how the figures have been gradually coming down and I take credit for the decrease in number on certain grounds. One is that it is to the credit of the State Governments that they have been using this Act in as sparing a manner as possible. We have got the ordinary rule of the criminal law. Therefore, whenever-

[Shri B. N. Datar.] certain acts of a criminal nature are committed, Government take recourse to the normal law and, therefore, it would be found that the State Governments have not been very profuse in the use of this Act. They have confined it only to those cases where, in the interests of the nation, for certain purposes which have been mentioned in section 3 of the Preventive Detention Act, it becomes necessary, or I would say, inevitable or unavo'dable to have recourse to the provisions of the Preventive Detention Act. Therefore, so far as the first part is concerned, I would submit that the House would agree that there has been no abuse of the power given to State Governments under the Preventive Detention Act.

Secondly, so far as the actual use of the powers is concerned, it is also very sparing.

The second question is whether this Act should be removed from the Statute Book in the sense that the Government should not use it at all. So far as this latter question is concerned, I would appeal to hon. Members to consider the present situation. Has the present situation improved in any material particulars? Or the House might consider the other aspect also. Has the situation in some respects deteriorated so far as these anti-social elements are concerned? We have got a number of circumstances and all these have to be taken into account. I would not refer, except to a small extent, to what has unfortunately happened during the last week-end and recently. We have before us the instances of Kharagpur and Kalka. Further, I might add that we have a station Dungarpur, or something, in Rajasthan and there also certain robberies took place. They surrounded the station master and did not allow him to go. There were 500 people. I would request the House to see whether we are out of the woods. There are certain organised elements, certain anti-social elements, who would surely take advantage of any relaxation so far as the law is [ concerned.

If this is the present position, what we have to do is that we should consider this question from a practical point of view. And, as I have stated, during the last fifteen or eighteen months, the powers have been used very sparingly. Therefore, there is no reason to suppose that they would be used in a worse manner or that they would be abused by the State Governments during the remaining period, namely, about 18 months from now. This is the point that we have to consider and I would submit that, theoretically, it might be that it would not be proper to have a Preventive Detention Act on the Statute Book itself. That is a matter which we can understand. But the next question that falls to be considered is whether, after the Constitution had made it possible for Parliament to enact a law to permit detention, after such law was passed in 1950, and after the experience of nearly five years and odd months, there has been any decline in the resort to the provisions of the Preventive Detention Act. Therefore, if the five years' experience is any guide at all, in my opinion, it is a very eloquent guide and then, there is no reason why this Act should not be used at all whenever an occasion arises. During the coming 18 months also, we may not be out of the woods because, ultimately, it depends upon certain forces that are at work, and according to us, these forces are anti-social.

MR. DEPUTY CHAIRMAN: Shri Lal Bahadur will now make a statement.

5 P.M.

#### **STATEMENT RE. INCIDENTS AT KALKA**

THE MINISTER FOR RAILWAYS AND TRANSPORT (SHRI LAL BAHADUR) : Sir, I have to make the following statement.

The Chairman, Railway Board, left Delhi by the Kalka Mail on the night