

PAPER LAID ON THE TABLE**BUDGET ESTIMATES OF EMPLOYEES' STATE INSURANCE CORPORATION**

THE MINISTER FOR DEFENCE : (SHRI N. GOPALASWAMI) : In the absence of my hon. friend Mr. V. V. Giri, I beg to lay on the Table a copy of the revised Budget Estimates for the year 1951-52 and Budget Estimates for the year 1952-53 of the Employees' State Insurance Corporation. [Placed in Library. *See* No. IV. O. (7) (20)]

**THE PREVENTIVE DETENTION (SECOND AMENDMENT) BILL, 1952—
*continued***

MR. CHAIRMAN : We pass on to the further discussion of the motion moved by Shri Kailas Nath Katju that the Bill further to amend the Preventive Detention Act, 1950, as passed by the House of the People, be taken into consideration.

I should like to say that it will not be possible to give more than 15 minutes today for any Member as we have to conclude this stage of the discussion by one o'clock. I am prepared to allow Members to go on till one o'clock and would request Shri Kailas Nath Katju to give his reply in the afternoon. That is giving you an hour more than what the time-table actually prescribes, and I would also request you not to talk about the excesses of the police or of the Communists, because when we talk of these excesses there will be no end to the discussion. This is not a substantive motion on that particular issue and again by co-operation, the two sides can help to bring about an improvement in the Bill. That must be your desire at this stage and not merely wrangling about what the police did or what the Communists did.

SHRI P. SUNDARAYYA (Madras) : I want to make a submission. Cannot this discussion be extended to this evening and the stage of clause by clause consideration taken up on Monday and Tuesday ?

MR. CHAIRMAN : Leave it to me. I will see.

SHRI GOVINDA REDDY (Mysore) : I would like to associate myself with the hon. Pandit Kunzru who paid a compliment to the Home Minister for his long and lucid speech. I wish, Sir, I could have associated myself with everything that he said, but I will go a step further than hon. Kunzru and congratulate the Home Minister. He has been lucky in that he has got the hon. Mr. Sundarayya to support this" Bill. While the hon. Mr. Sundarayya was speaking, he was unwittingly supporting the Bill. When he said that he, being a Member of this House, had an inherent right to revolt, he was playing himself into the hands of the Home Minister. When he said that he knew who had the arms and that he knew how those people got to possess the arms, when he said that if he wanted he could make them surrender the arms, when he said that he has a right to go underground to escape the process of law in order to help the people, when he said that he would indulge in all these things, he was playing into the hands of the Home Minister, and he was asking all the while for this Bill. Even if ten thousand people were here, after having heard him, they would have supported this Bill.

SHRI P. SUNDARAYYA : Unfortunately, there were not ten thousand.

SHRI GOVINDA REDDY : For one who has taken the oath, who has pledged himself, who has sworn by this Constitution, there is only one way of getting the grievances redressed and of helping the people and that is through constitutional means. One who has sworn to this, has no right to revolt against it ; one who has sworn to this Constitution, has given up all his rights which are contradictory to its provisions ; he has only those rights which are allowed by the Constitution and he has no rights which this Constitution deems to contravene its provisions. He has no freedom, Sir, to

[Shri Govinda Reddy.]

act contrary to this Constitution and to say that he has an inherent right to revolt is, Sir, to deny the provisions of this Constitution and to oppose it.

Well, Sir, the hon. Acharya Narendra Deva, for whom I have respect, has raised on the floor of this House a slogan that liberty is in peril. He has dwelt at length on the concept of liberty and he was very eloquent in doing so. I bow to his eloquence, Sir, but I refute his arguments. He instanced the case of Great Britain. He was taunting all the while the Home Minister' for his statement, India is not England. Well, Sir, it is true that India is not England. He has been a student, I believe, of politics and of parliamentary practice. What is the opposition party in England doing ? Well, we had two very big and conspicuous instances in the past year or two of how the opposition party came into conflict with the Government party. On the question of nationalisation of coal and of steel, the Conservatives were opposed in every detail to nationalisation, but what did the Conservatives do, Sir ? Did they carry on Satyagraha against nationalisation which the Government decided upon ? Did we hear any report that any member of the Conservative Party helped in any way either the labourers in the coal mines or the people involved in the steel industry to negate the Government Act ? Well, Sir, Britain, has been passing, as everyone knows, through a period of anxiety and crisis; their wheat is rationed; their eggs are rationed ; the prices of even cigarettes have gone up by 20 to 30 per cent, and even admission of patients into the hospital is rationed. If the Prime Minister has to get an operation performed, he has to be listed and he will have to take his chance two, three or four months later whenever his turn comes. Sir, what is the duty of the citizen in Britain ? What is his attitude towards the Government in Britain ? He does not raise a cry against it. We have not seen British people leading *Satyagraha* to the ration depots. I say, Sir, if the opposition party, or if

those who differ from the policy of the Government, have any difference, they have to fight within the borders of this Constitution ; they have no right to lead a *Satyagraha*- I concede that they have a right to carry on an agitation to challenge this Constitution. That nobody can be deprived of. Government in Britain does not come in the way. If they exercise that right in a similar manner here, Government I am sure does not come in the way. In England the so-called soap-box orators denounce from God to King everything. But not a policeman worries himself about it. If honest propaganda, non-violent propaganda to agitate against this Constitution or against the wrongs of a Government is carried on, then no law is required. The Detention Bill is not required. If we had no circumstances warranting it, I would have liked to send the Home Minister to bed, Sir, which he so richly deserves. You would not have seen on the youthful face of our Prime Minister lines of anxiety and care. Are not there in the country circumstances which warrant the Detention Bill ? No more examples are necessary than the attitude that was displayed by the Communist Party here yesterday. Sir, when we have got a set of people who say that it is their creed to go and help the people in whatever manner they like, this Detention Bill is necessary. And they deem it as a duty of patriotism and they said that they were serving their motherland. We have also served our motherland. The Congress Party has served her motherland. But we have faced lathi-charges, we have faced bullets. Our women were taken and were left alone at night in forests. Those women did not go underground. Those people did not sit at home. They came in larger numbers and faced more lathi-charges and faced more bullets and faced more dishonour. Well, if that had been their attitude here, I would have appreciated it. But that is not the attitude taken up by the Party here. I can understand those people who have just emerged from the world of Pluto not to be cognisant of parliament -tary practice. But I was very sorry to hear Acharya Narendra Deva justifying

the *Satyagraha*, which the Socialist Party is launching on the food depots and we hear in today's newspapers that they are launching *Satyagraha* on the Meerut Sugar Mills. Is that a responsible attitude of the Socialist leader? Have they given an opportunity to the Government to go into this question and have they not got the right to allow the Government to redress the grievance, if at all there is any grievance?

Well, Sir, in this country our friends have to realise that the duty of the Opposition is to co-operate with the Government. I humbly suggest that Britain has set a very good example. I would request Acharya Narendra Devaji to advise the people to be law-abiding citizens. Mr. Churchill did not disobey any law. He did not encourage the disobedience of any law, not does Mr. Attlee do so today, whatever Government be there, or whatever the Government does. As long as the Government is in power, they feel it their bounden duty to respect whatever the Government does, at the same time expressing their opposition to it. Well, Sir, that is the attitude which we have to copy here. Well, Sir, it is argued that in foreign countries this law is not so stringent or so arbitrary as it is here. I only ask, Sir, if in a foreign country like Russia the Home Minister had released so many detenus, detenus who were known to have gone against the law, he would have been court-martialled. He would have risked his head. But there, Sir, the Government have accommodated themselves to every demand of the public. Have they not released the detenus by hundreds when they demanded release, or when they wanted a fair trial? Well, Sir, I am sorry to say that friends like Pandit Kunzru and Acharya Narendra Deva have not been able to appreciate the situation that is existing in the country. What is the situation in the country? Well, Sir, all at once power was transferred to the people. The ambition of the people, the urge of the people for independence was suppressed for a long drawn past as our Home Minister was saying. All at

once this urge for liberty has been released. The services which were used to be a bureaucratic system of administration have not yet been able to adjust themselves to the changeover in the Administration. Popular Governments have come into power and under these circumstances there was bound to be laxity in the Administration. There was laxity in the Administration. Unsocial elements have taken advantage of this situation—Some members of the business' community, who are unscrupulous and who want to make money by any means, are there to take advantage of the shortage of commodities or are creating an artificial scarcity of commodities and thereby are wanting to make money and putting the people to starvation and suffering. Does my hon. friend Acharya Narendra Devaji mean to say that they should be allowed to go on? He may say that the Penal Code is there, the Criminal Procedure Code is there, the ordinary law of the country is there, which can be moved against them. Well, Sir, those people are clever. With the progress in time the criminal also is becoming very clever, very subtle in his methods. Is it possible to catch these blackmarketeers red-handed? And if they cannot be prosecuted, should it mean that they should be allowed to carry on their anti-social activities? We have got dacoits going about in the country. That nobody can deny and those dacoits have armed themselves and where they are operating, it is impossible to find. The people are so terrorised, just as they were in Telangana and other places, that they cannot come out. What has the Government to do under those circumstances? Do you mean to say that the Government should allow them to carry on their Goonda activities? Should not the Government bring them to book, and what is the method to bring them to book? There must be some arbitrary method. They must depend upon the reports of the police and they must depend upon the opinion of authorities. What is it that this Bill is going to do? It is not to punish them. It is not going to do anything else except to restrain their

[Shri Govinda Reddy] movement and prevent them from doing further mischief. Under these circumstances, Sir, is there no justification for this Bill? *(Time bell rings.)* Just five minutes, Sir. I want to reply to the two points raised by Pandit Kunzru.

Well, Sir, I want the hon. members of the Communist Party to come up and live with us. Why should they seek shelter in rat holes with snakes and scorpions, Sir? Let them come up and I take Mr. Sundarraya at his word, given yesterday on the floor of this House, that he has abjured violence and if he really means it, he should issue a public statement that they have abjured violence and that nobody who goes against the laws of the country will be a member of the Communist Party.

Now these are the two points which I wanted to reply to. The hon. Member Pandit Kunzru wanted legal assistance to be given to detenus. What does legal assistance do? If it is an offence, if it is a charge, then I can understand a lawyer coming and interpreting law in favour of the accused helping him to meet the case of the law. But here, Sir, what will be the grounds that may be conceived of? The grounds will be that he may have persuaded such and such of man to do such and such thing. He would have assisted such and such a man to do such and such a thing. What will a lawyer be able to do here? Even supposing, Sir, that a lawyer is able to help him, I agree with the > Home Minister that a lawyer would not be serving him but would be doing a disservice to him. Sir, I was for some time practising at the Bar before I was disenrolled for indulging in Congress activities. Within the little experience that I got, I found that wherever \ lawyer did not appear for an accused, the accused got scot-free or with very little punishment. The fact that a lawyer is not there makes the Judge to be his lawyer. The hon. Minister was quite right in saying that the Advisory Board would be acting as the detenu's lawyer when there is no

lawyer. It is a very good advantage for the detenu and I am sure the hon. Members will appreciate this fact.

The other point, Sir, which Pandit Kunzru was saying was the question of emergency. He read out provisions from the British Act of Emergency Law. Well, Sir, he does not seem to have understood those provisions rightly. Those provisions were meant, Sir, not for normal times but for extraordinary times, for emergencies. Well, Sir, here these are not the things contemplates which crop up at a particular time or in a particular period. These things are happening every day not in one part of the country, not in a known particular part of the country, but almost in every part of the country from time to time. Well, Sir, that Law of Emergency is quite different from the Preventive Detention Bill which we are envisaging today. I can understand, Sir, if there is a particular situation like war or internal rebellion or an aggression, then during that period as long as the situation lasts, a law is required to prevent anti-social or unpatriotic elements from taking advantage of the situation. That is a different matter altogether and that law which he was instancing applied only to those circumstances, not to the circumstances that are prevailing in this country that this Bill wants to restrain. So with all respect to him I wish to submit, Sir, that he was entirely misapplying the British provisions here. And, Sir, one cannot conceive of such an emergency here, for the present. With these few words, Sir, I support this Bill.

SHRI S. MAHANTY (Orissa) Mr. Chairman, Sir, I rise to oppose the very principle of this Bill. As you know, Sir, preventive detention is quite different from punitive detention. In punitive detention a man after committing a crime and after facing a trial is condemned to imprisonment. But in preventive detention you are going to condemn a man for all that he may commit in the future. Therefore, it is not to be taken as lightly as many hon. Members have

sought to take it. Here a fundamental ethical question is involved; a question of high legal propriety is involved. The hon. Minister Dr. Katju is an eminent jurist. He might have known better how in other democracies individual liberties are safeguarded. Sir, in England when a Judge of the King's Bench takes his seat and the Counsel comes and says : " My lord, I have an application to make which concerns the liberty of an individual " ; every other business is prorogued until that application is disposed of.

Sir, many procedures of law are also on the side of liberty. A man is always presumed to be innocent until he is proved to be guilty, but here you are presuming every man to be guilty until he is proved to be innocent. Always the State-made laws..".

SHRI B. B. SHARMA (Uttar Pradesh) : It is not said that he is always guilty.

SHRI S. MAHANTY : But you condemn him.

KHWAJA INAIT ULLAH (Bihar) : A snake is always deadly.

SHRI S. MAHANTY : Let them not interrupt me like this. Sir, you are presuming a man to be guilty until he is proved to be innocent. Always State-made laws are averse to natural justice, and this is one more illustration of it. Another procedure which is in favour of the liberty of the individual is that if a man applies to a court for a writ of *habeas corpus* and that court disallows it, then he moves the higher court and if he can persuade even one judge that he is innocent, then he is set free. In all democracies, except in totalitarian countries where the party is said to be above the State, individual liberty has been given the highest priority. The English people know what individual liberty means because they fought for it from Runnymede to the gallows in Whitehall. The Americans know what individual liberty is, because they fought a war of independence for it. In this context I am reminded of a story This happened

between King Vikramaditya and Poet Kalidas. You know, Sir, what the rulers are and what perversity they suffer from. Once King Vikramaditya wanted to purl the leg of the poet, Kalidas. So, he said, " Look here, Poet, I feel like riding over your shoulders." Kalidas offered himself. After Vikramaditya got over his shoulders, he asked the Poet :

“ कवि स्कंधन बाधति? ”

" Well, Poet, do you feel your shoulders hurt?" Kalidas replied :

“स्कंधन न बाधते राजन् तव बाधति बाधते”

"Sir, your riding over my shoulders is not hurting me very much, but the grammatical mistake that you have committed is paining me much. Instead of " srrsffi " you said " ^Tsrfra " .

Similarly it does not bother me in the least that today the hon. Dr. Katju has brought in this Preventive Detention Bill, because in spite of the Public Safety Bill, in spite of the Defence of the Realm Act, in spite of the Defence of India Rules, India fought and won freedom. And in spite of the Preventive Detention Act, the Indian masses will rise to enlarge that freedom. So, this Bill does not bother me in the least ; what bothers me is that a man like Dr. Katju should have brought forward such a piece of legislation at the fag end of his political career. It also offends me to see that eminent persons like Di'on Chaman Lall who put up such a brave fight in 1929 in the Central Assembly when the Public Safety Bill was being discussed, should come forward in such a brazen faced manner to defend the very principle of this Bill.

Now, Sir, I have very carefully tried to ponder over his remarks. I have very carefully listened to Dr. Katju. His entire case was sought to be built on the fact that the Communist Party is a very violent party ; it believes in violence ; it has got so much of concealed arms ; and therefore so long as the Communist Party is there, it is always a menace to public liberty. Therefore we are going to promulgate

[Shri S. Mahanty.] this. If you are innocent, if you are peaceful then, this will not affect you. Then why don't you ban the Communist Party, if you have got the guts? In Australia it has been done. Instead of that you are going to impose this dangerous legislation, this extraordinary piece of legislation on the whole coun- I try. I want a categorical reply from the hon. the Home Minister to this question. Ban it if you have got the guts. Sir, I am not a Communist, nor do I hold any brief for them. I differ from what the Communists say, but I am a man; I have got the power of reasoning. The Communists have always been haranguing, "Why don't you appoint an Enquiry Committee for Hyderabad anti Telangana?" Why don't you accept it? You have passed the Commissions of Enquiry Bill. Why don't you now appoint a Committee of Enquiry, to enquire into the alleged violent activities of the Communists and place before us their findings? Above all, why don't you ban the Communist Party, as they have done in Australia?

Sir, I am reminded of the speech of Lord Irwin when he addressed the Legislature on the 12th April 1929 in this very hall, when the Speaker of the Assembly ruled the Public Safety Bill out of order. When it could not be discussed, Lord Irwin had to convene a meeting of both the Houses and there what he said has been exactly repeated here by Dr. Katju, word for word, line for line. The same sentiment is there; the same spirit is there. Lord Irwin said that it was his duty to see that India proceeded along legitimate lines to attain its goal. Dr. Katju says, "It is our duty to save India" as if God called for a tender to which the Congress people submitted a tender and God gave them the contract of saving India. He says that it is their duty, and Mr. Rama Rao says, "We are here to rule. We will rule you. It is our duty to see that India proceeds in a peaceful way to attain the ideals that have been set in the Constitution." Sir, I challenge this very attitude. They should realise that even the worst of their political enemies also want to

serve this country according to their own lights. Why do you forget that it is the basic fundamental right of everybody to serve this country? One light kindles another, and so, tolerance and charity lead to tolerance and charity among others. You are not going by any stretch of imagination to suppress violence by violence. You cannot do it. Another factor comes to my mind in connection with violence. I believe in violence. I stand for violence and intellectual anarchy. I do not make any secret of it.

Every philosopher from Buddha to Marx has agreed that everything carries within itself the seeds of its own destruction. Therefore, the State also carries within it the seeds of its own destruction. State is neither absolute nor immutable. There has always been a conflict between individual liberty and the demands of the State. So, you find that in all democracies—democracies differ from totalitarian States in this—people try to bring about changes as peacefully as possible, while in the totalitarian States, they bring about changes by bloodshed. The old despots said, they had the "Divine Right of Kings". You have now substituted the "Divine Right of Kings" by the "Safety of the State". In the name of the Divine Right of Kings, they used to suppress popular movements. My friend, Dr. Katju, must have known of the famous Thomas Darnell case. During the Stewart period, the Kings could act over the heads of the Judges. Thomas Darnell refused to pay money to the Stewarts—and therefore he was thrown into jail. He asked for a writ of *habeas corpus*. The judge said, "I could have given you a writ, but the king wants that you should be imprisoned." This was no-law; this was not according to natural justice. And what happened? The people had to rise in revolt and throw the Stewarts out of power. And here in this Bill for the Divine Right of Kings you have substituted the "Safety of the State". I pray that a glorious revolution should emerge out of all these oppressions and repression

to throw out this very Indian Constitution.

One more point. I want one reply and a definite reply from Dr. Katju why he does not ban the Communist Party. Why is he going to apply this legislation on all and sundry when there are peaceful conditions ? While piloting this Bill he showed in his speech that certain very disturbing conditions are prevailing today all over India and he cited Saurashtra, Rajasthan and Telangana in particular. My hon. friend Mr. Mathur has proved to the hilt that there is no such condition prevailing in Rajasthan.

SHRI GOVINDA REDDY : He said that it is prevailing but it is due to other circumstances.

SHRI S. MAHANTY : Coming to Saurashtra, in Saurashtra it has been all due to one man—Bhupat. Some time back I was astonished to find a letter published in the press and it was written by an inmate of Wardha Ashram that some Government officials of Saurashtra have connived at Bhupat's flying away from India.

SHRI ABID ALI (Bombay): And Rajas.

SHRI S. MAHANTY : And he addressed a letter to Dr. Katju also in that regard. Therefore if there is lawlessness or violence in Saurashtra, it is due to the entire collapse of the administration there.

Then Dr. Katju went on to say about the position in Telangana. Our Telangana friends are haranguing that there is nothing and if there is anything, it is due to your police and military and you have not been able to give a satisfactory reply to that. Assuming or taking it for granted that lawlessness is prevailing in all these parts of India, why don't you just apply this extra ordinary legislation to those areas only and restrict its operation ; and

MR. CHAIRMAN : No 'and'. Please sit down. The time is over.

SHRI M. C. SHAH (Bombay) : Not here. Mr. Mathai Manjuran."

SHRI M. MANJURAN (Travancore-Cochin) : Mr. Chairman, this is going to be an Act passed by the blessings of all of us here and I am not going to contest it as it is a foregone conclusion. But from the speeches made by Mr. Rama Rao and Mr. Chaman Lall I was surprised at the wisdom of the Congress Government. Mr. Chaman Lall was saying that because the Communists had some arms in Telangana he would insist on the Preventive Detention Act. I don't know what kind of logic he was applying. He said that he was applying a kind of logic. No doubt but 'the kind of logic is unknown to us. Arms cannot be suppressed by preventive detention for all that I know of. How could he prevent the use of arms by preventive detention ? If that were so, the Indian army would not have marched into Telangana to suppress this warfare there. They have not succeeded so far even by sending the Indian army. I don't understand how they will be able to suppress it by the enactment of preventive detention. It is quite strange for us to undq^tand. For all that, I could remember, in my State the Preventive Detention Act was applied and a lot of communist leaders were arrested when absolutely there was no violence or stir in the atmosphere. The Government of Travancore-Cochin had increased the price of rice and there was popular agitation for the reduction of the price of rice. In order to counteract that, the Government immediately arrested 32 communist leaders. What happened thereafter ? Allegations were made by Government that at Calcutta these Communists had called for the use of arms and violence against Government. They could not as yet prove it because that particular thesis contained none of these allegations but still some Congress people are saying it was there. They have not read it. I have read it. It does not contain any call for the use of arms. Thirty-two persons were arrested and were detained bit

[Shri M. Manjuran.] the situation began to deteriorate. Without the leaders, it so happened the allegations against the leaders were out and the followers thought that the Government might have come into possession of some of the details and that the leaders might require them to use violence in order to overthrow the Government. So it was not the leaders who started violence there. It was the followers and the leaders were not there to lead the followers and violence after violence was committed. But the police excesses—although you forbid me from speaking of it—in the Travancore-Cochin State became almost scandalous. Even people who were not Communists were simply arrested and murdered in the jails of Travancore-Cochin. Everybody knows it. My friends from Travancore-Cochin on the Congress Benches would attest to it. It was not Communists alone but every passerby was challenged as a Communist brought to the jail and killed there. And what reason was there ? Because somewhere in Calcutta some people passed a resolution of which no evidence could be laid before the people of Travancore-Cochin. From that day the situation deteriorated to such an extent that every Communist and every man who professed a certain amount of sympathy with him was sent to jail with the result that there was a kind of mob violence later. I know a police station was attacked but it was not attacked under the leadership of the Communist party, it was not an attack by any leader but it was a spontaneous movement, a spontaneous action by certain people because there were no leaders there.

Here Diwan Chaman Lall just suggested to send all the leaders to jail. What will happen ? People will take the law into their hands. What did Mahatma Gandhi say in 1942 ? What did the Congress leaders say in 1942 ? Now they pretend to be non-violent. Diwan Chaman Lall was saying and Mr. Rama Rao was also talking of nonviolence. Here is my friend Mr. K. P. Madhavan Nair who knows that

we were indulging in the manufacture of arms, in the manufacture of bombs, in the manufacture of hand-grenades, etc. Let them say whether it is a fact or not.

AN HON. MEMBER : It is not a fact.

SHRI M. MANJURAN : It is a fact and if you are denying that, I will give you instances.....

AN HON. MEMBER : Whom is he addressing, Sir ?

MR. CHAIRMAN : Look at me and address me, Mr. Manjuran.

SHRI M. MANJURAN : I am addressing you. I can well understand why I left it because this is the way of their mind. We sat together, we made the plans for making incendiary bombs, high explosives bombs and hand-grenades. We made every plan and executed some of them and here my friend says now that it is not a fact. I am wonder-struck by this kind of hypocrisy with the Congressmen today but in 1942 when the Linlithgow Government charged the Congress organisation with having resorted to violence, it was contested at that time that because the leaders were taken away, the mob took the law into their hands and spontaneous movements took place everywhere in India. Anyway, the only point I drive at is this. Congressmen should remember that while resort to violence was not preached by Mahatma Gandhi, it was at least preached by every local leader and if I remember a right, Dr. Pattabhi Sitaramayya had to some extent conceded the point. There was no gainsaying facts and it will not stand the test of the time. We are there and we also don't feel that we are hypocrites. Tomorrow we are not going to pillory every Congressman because he is a hypocrite. We are going to give them a long rope in this country. We are going to face the people and tell them what the Congress did all the time. It was when measures like the increase in the price of rice came in that the Tra-

vancore-Cochin Government said that they would detain the Communists, not because there was any mass violence. Any suggestion of violence followed very much after 2 years, after the arrests, when people were molested, harassed, when the police returned only dead bodies of the arrested men. These things cannot be challenged. These are facts written in blood and the Congress now want to take the blood of all leftists and Communists and they would also desire to take the blood of the men whom they want to rule.

9 a. m.

It is wrong to say that we want to rule. Nobody wants to rule. We should have a disciplined State. Discipline we can understand. But the kind of rule that Mr. Rama Rao speaks of cannot be understood by us. They say, " We will crush you." I challenge that and say that it should not, it cannot be and it shall not be.' I say this because this attitude of crushing anyone will have its own reaction and we will also say that we will crush you. If you threaten us with crushing, we also will threaten you and say that we will crush you. I am sure our Congress friends of Travancore-Cochin will not dare to crush us, because I know and I am sure they will not be able to crush us. We know we will not be crushed, it is not possible for anyone to crush us and we think the Government are ill-advised today if they threaten us in this manner. We do not want such challenges. We know we are much younger than they are. We know we are more emotional and our words are not palatable to them. But they know we have defied the army and the bombs'. We have defied the Britishers and we can defy them also. If we examine what the Government has been doing ever since the British left, we will find that it is all after the British fashion. Take this Preventive Detention Act. When I asked Mr. Hegde, he quoted authorities from Britain and from America. But when we want them to quote American or British authorities for other things, and when Preventive Detention,.....

SHRI ABID ALI : Or Russian autho-

SHRI M. MANJURAN : No. I am surprised that Mr. Abid Ali should ask me such a question about getting foreign inspiration. This country of ours has got inspiration from all over the world. And I am reminded of what Carlyle has said of the Muslims. He has said that five times a day a Muslim turns to Mecca for getting inspiration. I am surprised that Mr. Abid Ali should accuse me of turning to foreign inspiration. I do not want any foreign inspiration ; but there is nothing wrong or bad in accepting anything good from outside. Our land has benefited by such inspiration in the past also.

We are now accused of violence. But let me ask whether the Congress did not indulge in violence. Do we not know how many conspiracy cases, how many arson and how many bombing cases occurred in 1942 ? But after the Congress Government came to power you have done everything against the national aspirations. That is what we see and that is what we say, and you have no answer. You only say, " We will crush you. We will murder you. We will send the police after you. We will have the Detention Act for you." But I say, these things are not going to frighten us. Otherwise we could have been frightened even before, for this Act has been with you. Your police, your army, your everything has been with you and we have not been frightened so far. You are not going to frighten us. We also belong to the people. You say you belong to the people. So do we. It is not the monopoly of Congressmen. We also have been born in this land. Diwan Chaman Lall spoke of the valour of the Punjabi. We are going to admire such valour. We have also sufficient valour in us and if you want to know it, challenge us and you will see. There is this quality of valour in every man and if you challenge us we will react with even greater amount of valour.

It is a misunderstanding of the position to say that by bringing in the Preventive Detention Bill you are

[Shri M. Manjuran.] going to put the people down. You can improve the situation only by sympathy and by understanding the causes that bring about these disturbances. When we say that the workers are not given sufficient wages, the Congress Administration invariably comes to the support of the employer and beats the workers. As many as 105 of them were recently arrested in Travancore-Cochin for a small strike and now they say, "We are here to protect the cause of the workers." I have been representing the workers and on every occasion that I had to go against the employer for the sake of the workers, the Congress Government has invariably come to the support of the employer and said that they would send me to jail. That has always been the case. The Government has allied itself with the interests of the zamindars, with the interests of the capitalists, and it has built its stronghold on Imperialism. I am surprised at being accused of foreign inspiration. They it is who are inspired by Anglo-American Imperialism. I can tell you this is true of everything done by this Government; these community projects, these refineries that are being started in our country, these are all American inspired. Still Mr. Abid Ali who is under the heels of the Congress Government accuses me of looking to Russia. We say, looking to a foreign land for a good thing is not bad. But to look for a bad thing is bad and Imperialism is bad and if you persist in this, the people of India, the nationals of India will remove you from the place which you are now enjoying if you continue to commit these crimes and perpetrate this tyranny.

SHRI J. R. KAPOOR (Uttar Pradesh) : Mr. Chairman, this Bill has aroused violent criticisms and opposition, made even with a full exhibition of violent gestures as we have just now seen. I submit that this sort of criticism and opposition has absolutely no bearing on the provisions of the Bill which is under consideration. What is this Bill? It is not entirely a new legislation. It deals with an old existing piece of legislation and it only seeks

to bring about a good deal of improvement therein and seeks to give the existing legislation a shape which should be acceptable and which should be appreciated by everybody who can bring to bear upon it an independent and unbiassed outlook^

Sir, the story of this legislation, I may say without fear of contradiction, shows the most democratic and most responsive attitude on the part of the Government, because, every time this legislation has been brought before this House, the Government has shown a responsive attitude and acceded to the various amendments and suggestions that have been made to it from time to time, to improve the measure and remove the rigours thereof. That attitude of the Government, I should have thought, should have been appreciated by everyone of us. But then it seems to me that gratitude does not find a place in the dictionary of my hon. friends there. It may be said, "In gratitude, thy name is".* I would rather leave it blank, to be filled in with such proper words as hon. Members may deem fit.

Sir, this Bill has been opposed on three grounds. The first ground is that it is undemocratic as it is against the fundamental rights of the citizen. The second ground is that there is no need for it, and the third ground is that these provisions are much too harsh.

Now, let me take these three points, one by one. So far as the constitutional aspect of this question is concerned, it was very ably dealt with by the hon. the Home Minister yesterday. He read out the various provisions of our Constitution which enable us to enact such legislation. But, then, Sir, some of my hon. friends, particularly the Communist friends, and, I am sorry to say, our Socialist friends also, have said that it is all against the fundamental principles of justice and equity. In other words, they seem to attack the very Constitution under which we are going to enact this legislation. Now,

Sir, I do not want to question the: right—whether they have any right to question the propriety of the article; of the Constitution or not—but, Sir I would like to ask them just to tell us as to what exactly is their view what exactly it is that they mean. Do they mean that it should not be open to any Government in any country to enact legislation of this nature under any circumstances whatsoever, whatever might be the emergency, whatever might be the needs of the situation? Do they contend that a legislation of this nature is against liberty? Is that their contention? Do they mean to contend that even if there be a war at our very doors, if there be great internal turmoil in the country with chaos and confusion, such a legislation should not be placed on the Statute Book? I can very well understand such a contention on the part of the Communist Members because their entire aim is to bring about chaos and confusion and that any legislation which may aim to suppress that chaos and confusion will be against their objectives. But, I cannot understand such an attitude on the part of my socialist friends who, in their speeches yesterday, said that they were against the very principle of this Bill, whereby I understand them to say that they are against the very principles of the original Act even.

Now, Sir, what is democracy? It means the greatest good to the greatest number. If a few handful of persons in the country want to destroy the liberty of the rest of the country, if they want to do something by which the freedom and liberty of the country is in jeopardy, then, Sir, I suppose it shall not be contended by them that that sort of liberty and freedom must be given to those handful of persons. In democracy, Sir, we must go by the verdict of the electorate. This Act was on the Statute Book before we went out for election last time. Before the Provisional Parliament was dissolved it was made clear by the Government that after the elections, after the new Parliament came into being, this legislation would be brought forward before Parliament and that, so far as

the Government—the then Congress Government—was concerned, it was committed to the principles and the provisions of the legislation that was then in force. So, the whole thing was before the electorate. The electorate knew that if the Congress Government was again returned such a legislation would again be placed on the Statute Book, it would be extended: that issue was there before the electorate. The elections were fought on one of these issues also; though not specific in so many words, the electorate knew it. All the other opposing parties also knew and had ample opportunity to place their view-point before the electorate. Having done that and when the electorate has returned the Congress Government to power, is it open to anybody to say that it is now undemocratic? Must we not carry out the views and wishes of the electorate? That is my submission. We say, and boldly say, that it is not undemocratic. Ours is only an infant democracy. Let us look to the powers of the world, the United Kingdom, the United States of America and other parts of the world where democracy has been functioning for a very long time. If such countries, where democracy has been functioning for such a long time and so efficiently and effectively, are under the necessity occasionally of having a law like this on their Statute Book, can it be said reasonably that we are doing something undemocratic by having such a legislation on the Statute Book?

Now, Sir, the second criticism that is levelled against us is on the ground that there is no necessity for it, there is no occasion for it. I should have thought, Sir, as has already been pointed out by other hon. Members of the House who have preceded me, that the need for this, that if anybody had any doubt with regard to the need for such a legislation, that need has been furnished by the confession and admission made by my hon. friend over there, the Leader of the Communist Group in this House.

SHRI P. SUNDARAYYA : I have not said anything in the House which I have not said outside.

SHRI J. R. KAPOOR : Sir, I did not quite follow.

MR. CHAIRMAN : He says that the statements which he made in this House are not in any sense new. They were known to the whole public for a long time past.

KHWAJAINAITULLAH : This Act is also not new ; it is known to the public.

SHRI J. R. KAPOOR : There is nothing new which he has not said outside. I do not know, Sir, whether he has been saying it outside that his party is in possession of such large quantities of arms and ammunition, that his party would never give up these arms and ammunition, that his party would be hiding in jungles seeking an opportunity to come out and commit murder and arson. I do not know whether he has said anything like that outside. But, even if he (*Interruption*) had said outside, that does not take away anything from my argument. Whatever he has been saying here and whatever he has been saying outside gives us ample justification for placing such a legislation on the statute book. Sir, my hon. friend over there from Madras just reminded us that in the year 1952 when the " Quit India " movement was launched many of the* Congressmen resorted to violence. No doubt that is true. But then, I might tell him that who-soever resorted to violence then acted against the advice of Mahatma Gandhi. Mahatma Gandhi never condoned the acts of violence. He expressly said, when he came out of detention, that he did not like those acts of violence. While he did appreciate the patriotic motives of those who resorted to violence, he did say that they were misguided and I submit, Sir, that if violence had not been resorted to by some of the Congressmen—I am not condemning their patriotism, but I had expressed my view even then in jail when we were in detention—then, perhaps, ' swaraj ' would have come much earlier and even now, today, we find that those acts of violence on our part are being quoted

against us. But then, all that we did then was not justified nor any act of violence that might be done now or hereafter by anybody shall be justified either on grounds of morality or on grounds of national interest. That is my submission about that. If some of us resorted to violence, we were detained and we murmured not. Why should our friends, when they were being detained should murmur when such a legislation is placed on the Statute Book ? I ask, Sir, why do my hon. friends of the Communist Party want the Aembers of the Communist Party to retain arms and ammunition ? They said that they snatched it away from the Razakars ; they say that they use it in order to defend themselves against the Razakars ; the Razakars are no longer there ; there is no more violence being perpetrated against them by the Razakars or, for the matter (*Interruption*) of that by anybody. (*Interruption*). Why do you want these arms and ammunition ? Obviously for the purpose of committing dacoities, murder and arson. Is that state of affairs to be allowed to stand, Sir ? I submit, not. In addition to the need for this legislation being provided by the admissions and confessions of the Communist Party, we have other need also, and that is that in several parts of the country dacoities are going on on a pretty extensive scale. In my own district of Agra, in certain parts adjoining Rajasthan, dacoities are a very frequent occurrence. Boys and girls are decoyed and a huge amount of ransom is asked for by the dacoits and then, Sir, there is the question of blackmarketees to which I need not make any further reference.

Sir, the third ground on which it is being attacked is that its provisions are very rigorous. This amending Bill seeks to improve the existing legislation in a very vital way, but still rather than that being appreciated, Government is being denounced for not making it more and more liberal. I submit that the improvements that have been brought about by this Bill not only have removed all the rigours of the legislation but they amount to this that the detenu

will now have greater privileges, greater rights, if I may say so, than he would have had if he had gone before a regular court of law. Now, what happens in a court of law when a case is brought before it ? The person is arrested ordinarily if the crime is of a serious nature by a police officer. The police officer has not to consult anybody, either the District Magistrate or the Provincial Government. The Central Government has of course no say in the matter and then when he is brought up for trial, he is tried by a magistrate. But here what do you find, Sir ? No police officer can arrest, excepting the Commissioner of Police who is a very senior officer in Presidency towns or a District Magistrate or an Additional District Magistrate who is specially authorised in this behalf by the State Government. Even the order of detention is not final ; it is only provisional ; it stands only for about a fortnight or so and the State Government must confirm it. That is another check. Then again there is a third check. All these papers and the grounds of detention must go to the Central Government which must exercise its discretion in the matter, so that the District Magistrate applies his mind first, secondly the State Government applies its mind and thirdly the Central Government has also the opportunity to apply its mind and if in one of these stages, if anyone of these authorities thinks that the order of detention is unfair, the man is set at liberty. There is nothing like this in ordinary trial. And ultimately the whole thing goes to the Advisory Board where we have practically a full Bench trial. I do submit, Sir, that it is practically a full Bench trial. In ordinary trials, the trial is by a Magistrate, here it is by three persons who are High Court Judges, or who have been High Court Judges or who are qualified to be High Court Judges. Now, it is practically a full Bench of the High Court in place of the Magistrate. Now, which is a better procedure—trial by only a Magistrate or trial after three previous scrutinies, i.e., by the District Magistrate, the State Government and the Central Government, by a full Bench of three

judges ? And what happens in a trial ? The prosecution evidence is tendered. The State Government here, which is the prosecutor, places before the Advisory Board all the facts in its possession.

MR. CHAIRMAN : It is time.

SHRI J. R. KAPOOR : A couple of minutes, Sir. I have already two to three minutes left, I hope.

• MR. CHAIRMAN : No, no.

SHRI J. R. KAPOOR : Then I shall presently finish. In the ordinary trial, the accused has a right to summon witnesses for evidence. So is the case here. A good deal on this point has been said by my hon. friend Dr. Kunzru and I would ask him to consider this point. Even in a court of law the accused only puts in a list of witnesses and it is for the court to decide as to which witness is a relevant one and which is not and only relevant witnesses are summoned. So will be the case here. The Advisory Board will have before it a list of witnesses whom the person detained wants to be summoned and if the Advisory Board considers that they are relevant witnesses who will help in the proper adjudication of the case, they will certainly summon those witnesses. They can send for any person on their own initiative also. These are the provisions in this Bill.

The other point is that a lawyer should be permitted. To that extent I am in accord with the view expressed by my hon. friend Dr. Kunzru that it should be open to a detenu to consult a lawyer—not that it should be open to a detenu to be represented by a lawyer before the Advisory Board—but in the matter of the preparation of his representation, it should be open to the person detained to consult a lawyer. That is my submission, Sir.

PROF. G RANGA (Madras) : Mr. Chairman, I was rather surprised when my hon. friend from the other side said that Congressmen also indulged in violence and therefore there could be nothing wrong in their (the Communists')

[Prof. G. Ranga.] having indulged in violence in the past, or their trying to indulge in it today. They are not only having faith in violence but they are trying to take a chance to use it in future. My hon. friend Mr. Jaspat Rai Kapoor has already answered it in part. The leader of the Congress Party said at that time that the Congress disowned responsibility for all that kind of violence that was used in different parts of the country in co-operation with my friends like him (*pointing to the Communist Benches*). But, on the other hand, so far as the Communist Party goes, their topmost leaders have never condemned the use of violence, or abjured their faith in violence, and that makes a vital difference.

Secondly, Sir, my hon. friend Mr. Jaspat Rai Kapoor is rather very unhappy because when so many concessions had been made by the Home Minister, there is no gratitude forthcoming from that end, but why should he expect any gratitude from anybody? These concessions are made to the people at large in this country to assure them that the Government today and the Governments to come hereafter, as long as they wish to be democratic, are anxious to respect their fundamental rights and if ever at any time an encroachment were to be made upon those fundamental rights even to the slightest possible extent, as is envisaged in this Bill, they would take all these safeguards. Now, they should be content with that. I can understand the position of my hon. friend, Acharya Narendra Deva to this Bill, because his party—and possibly my party also—is likely to be ground down.....

THE MINISTER OF STATE FOR FINANCE
(SHRI MAHAVIR TYAGI) : No fear, no fear.

PROF. G. RANGA : Either by that party (*pointing to Congress Benches*) or by this party (*pointing to Communist Benches*) and the real struggle is only between these two parties and necessarily we have to be strong about civil liberties and therefore, I am not surprised at his opposition to the

Bill, but I am rather surprised at his total opposition to the Bill. Surely, Sir, he is not a young man, nor an inexperienced man. He is one of the most experienced and responsible leaders of our country and he should have realised the need for a piece of legislation like this. Whether he wants it in the manner in which it is presented before us or whether he wants it in a modified manner, that is another matter, but I expected him to realise the need for a legislation like this.

SHRI B. GUPTA (West Bengal) :
Disappointed.

PROF. G. RANGA : I will tell my hon. friend before he expresses any disappointment that I had envisaged the kind of emergency that we were going to have, even three or four years ago when the Constitution was on the anvil. I was one of the few people who wanted to vest the President with these emergency powers. There were certain Premiers themselves at that time, including the Premier of my hon. friend's State, the United Provinces, who were doubtful about its necessity, but we wanted it and we have incorporated it and I am proud that we have done it. Secondly, Sir, when power was sought to be taken from Parliament when the Constitution was being amended, I was with the Government in seeing that the Government was given that power. Then when Shri Rajagopalachari, one of our great national leaders, came forward with this Bill, I did not happen to be a member of the Congress Party, but nevertheless I thought it my national duty to support the Government in seeing that the Bill was placed on the Statute Book. I do not wish to take shelter behind this thing : "It is already there and what is being proposed is only an amending Bill " or anything like that. On the other hand, I stand on a more fundamental thing. Here is a democratic State that we have organised. In order to protect our own society, in order to help it to progress rapidly and in a democratic manner, do we or do we not wish to arm our Government, whatever it may be—today it is a Congress Government; tomorrow it may be a

Socialist Government and the day after | tomorrow it may be my own Govern- ! ment—do we> or do we not wish to arm the Government with such powers in order to deal with the emergency that we are -going through ? Well said it was that ours was a nascent democracy. It is only five years old and what are the troubles that we are having? Then my hon. friend, whom I do not wish to contradict at all, was saying that there was nothing. But there is everything ; it is not only from the Communist Party that violence is likely to come up, but there are many other groups, parties, organisations and hooligans too. There are the Princes ; there are the bandits ; there are the landlords ; there are the capitalists and there are many, many others who want to subvert our Government. There are those who are standing behind all these forces calling themselves democrats from one place, calling themselves Sovietites from the other end; they come here into this legislature; under all sorts of disguises. Unfortunately, most of these people are having the support of many of these dangerous, unsocial, and, according to me, unprogressive and reactionary elements in the country. We have got to fight these people and we must have the necessary powers. Who is to do it ? Who is to implement these powers ? That is where my difficulty comes in. I have no confidence in this Government. It is a weak, useless Government according to me. It has failed to deliver the goods. There were warrants against many of these friends here. It did not have the guts or the efficiency or the capacity to capture them before they themselves surrendered to Government. Is it not a shame on this Government ? Now, Sir, my friends say : " Oh, this is going to affect us." But they are so efficient that they escape all the time.

AN. HON. MEMBER: Martial Law.

PROF. G. RANGA : Even martial law, my friends would escape from. They have got their agents in the police ; they have got their agents everywhere. Sir, I shall not be surprised,

if even in your own Rashtrapati Bhavan they had their agents. Sir, I am sure they have got their agents in the Central Cabinet here, in the Central Secretariat, everywhere. Sir, the Cabinet secrets of these worthy gentlemen (*pointing to Treasury Benches*) get into their possession (*pointing to the Communist Members*) much earlier than even the Government followers, come to know. Sir, they are very clever. It is an inefficient Government that we have got and that is my quarrel with them. It is a great pity that we do not have a national leader as our Home Minister. My hon. friend Dr. Katju is an able lawyer. He is one of our most outstanding lawyers of this country. I would like him to be our Law Minister, but I want a Minister to be in charge of Home Affairs who would be in a position to inspire confidence in all the Home Ministers of the States so that it would not be possible for these gentlemen (*pointing to the Communists*) to do the things that they have been doing and that they are doing even today. Even today they have got arms dumps. They are manufacturing arms (*several interruptions*).

MR. CHAIRMAN : Order, order.

SHRI T. PANDE (Uttar Pradesh) : Sir, I would request the hon. Member to join the Congress Party and take charge of Home Affairs.

PROF. G. RANGA : When the proper time comes, when the peasants come into their own, I dare say we will form the Government.

Now, Sir, they are manufacturing arms today, and they are piling them up. - They have got their own currency. In fact they have an underground train running from Delhi right up to Cape Comorin. These are the people whom we have to deal with. Even now there are people against whom you have warrants but whom you have not captured. Why do you want to insult your own State and your authority by issuing warrants which you cannot enforce ? Why don't you resign if you are unable to rule ? Tell the

[Prof. G. Ranga] people : "You give us more strength, more stamina, more national vigour. We are unable to rule; we are unable to proceed. Therefore we hand over to the Socialist, K. M. P. or anybody else." This is not the way to rule this country ; this is not the way to safeguard democracy. My friend was saying : "You want to crush us." Who wants to crush the Communists ? The Communists will crush themselves. There is no need at all to crush anybody. They will crush themselves or crush all others. There is only this alternative. It is for us, who believe in democracy, who believe in all these fundamental rights, who believe in decency, who believe in humanism in which our sages were bred—humanism for which Mahatma Gandhi had lived in this country—in order to safeguard this humanism, to join shoulder to shoulder, including my friends the Socialists, and let us walk forward in full confidence so that we may be able to see that these gentlemen will not be able to run away with it. Then, Sir, some of these friends had said that this is not a democratic Government and they are in league with zamindars, sahumars, Princes, Anglo-Americans and all sorts of things. Sir, in this connection I would just give some concrete facts. Was it not the privilege of this Government not only to have abolished untouchability, but also to have taken steps in order to see that the abolition of untouchability becomes a reality ? Was it not the privilege of this Government to have taken steps in order to see that the self-governing rijhts of the tribal people—may be 5,000 or 20,000 or 50,000—in Assam are properly safeguarded and also their rights to retain their lands for themselves properly safeguarded from all these rich people all over India ? Was it not this Government which abolished the zamindari system ? My friend is himself a zamindar and today he is saying 'give me compensation'. I shall not be surprised if these gentlemen had been pleading for a little more compensation than they were getting. I would go a step further and say: Was it not the privilege of this Govern-

ment, which has passed the Tenancy Act, to protect the rights of tenants ?

Sir, our friends are talking about all those great projects in China and Russia. It is this Government—I challenge anybody anywhere in the world—which has got on its anvil today more multi-purpose projects, electricity as well as water and irrigation and flood-control schemes than any other Government anywhere else in the world. I can challenge them. And it has under its employment many more lakhs of people employed in all those places, not as forced labour as you find in other countries, and it has also provided various amenities for them. Is it not this Government which has placed on the Statute Book social security legislation under the leadership of my hon. friend Shri Jagjivan Ram ? Is it not this Government which has raised the expenditure on education in the last five years—not double but in some States treble ? Is it not this Government which has increased its expenditure four-fold on public health and hygiene ? Is it not this Government which has done all these things ? I ask them a question. Is it not this Government which spent more than 15 crores of rupees on rural development, not to speak of more than 35 crores of rupees that have been spent on the grow-more-food campaign ? How dare anybody say, if you were to be intellectually honest, that this Government is not democratic, that this Government does not work for the masses, that this Government is not progressive ? My complaint about this Government is that it is not sufficiently peasant-minded. It is more and more proletariat-minded and therefore there is more in common between this Government and its Opposition. That is why I want this Government to reorientate its policy in such a way that it will be possible for all those people like my hon. friend Narendra Deva, who are all democrats, not to have any fear at all that these powers are likely to be misused against those who really have an abiding faith in parliamentary democracy.

SHRIMATI ANGELINA TIGA (Bihar) : Mr. Chairman, I am very glad to see the eagle which having its victory in the House of the People at least has come here. I hope that all its feathers are full of love and tolerance. It is not hovering over us but it is sitting quietly to watch what are the things it would be given to eat. So I venture to put something before you. Sir, from the time I have heard about this eagle, I have been feeling that prevention is better than cure.

Sir, you know that I am one of the members of the scheduled or the backward tribes which have no reputation for any intelligence, wisdom or understanding. But I am of the blood of the suppressed, exploited and downtrodden people. I have wisdom, I have knowledge, I have intelligence, I have understanding and so on and so forth. I have been seeing the stings, the pains, the groanings, the sufferings and cravings of my tribal folk which fact is commonly known all round. Sir, I fully realise that a country should have rules and regulations in order to support or defend itself and also to bring about improvement and prosperity in the country. But before this eagle flies away or goes ahead, I want to put some prevention so as to help it. Sir, I go further and say that these tribal people are far behind. I know the Government is helping them. It did help them through some agencies. I am very grateful to the Government on behalf of my people. But I am sorry to mention that money could not reach us. It was lost on the way. Only the money allotted for stipends and scholarships did reach us directly.

Sir, in many States, these scheduled tribes and backward tribes are suffering like anything. Only last week a person came from Jharkhand, a place to which I belong in Bihar. He said that the people were suffering from hunger and poverty. They were supplied bitter *atta*. He asked me : "Mother, though we are poor, how can we eat this *atta* ? Rice is sold at one rupee a seer. We cannot afford to buy it." I said that I would be

putting the demands of these people before the Government. We are Indians and the Government should pay heed to our demand. Sir, before this Bill is passed, will the hon. Dr. Katju try to see that these people get enough food so that they will be strengthened enough when they are caught in this great net ? Will the Government see that they are educated enough. Sir, these tribal folks do not know what 'laws' mean and they do not know why they are put in jail or in custody or why they are beaten.

Another thing is that this eagle feeds itself on fish and meat and so it is our friend. We the tribal people love to eat meat and fish because it sustains us. It gives us more strength. So the Government should see that either surplus of milk and butter and cheese and curd and *ghee* is supplied so that we may turn out to be vegetarians or we should be allowed to take meat and fish. Why are these poor people beaten if they take meat and fish? Why are they punished ? Why are they kicked ? I hope the Government will take steps so that they might not suffer. I have seen these tribal people in the tea gardens, followed by their children and women, working from early morning till night. That is very sad. I have seen their sufferings and miseries. Sir, before I left my place my people told me : "Mother, we have confidence in you and you will put our demands before the Government and the Government will pay heed to us."

Sir, it is true that the ranges of the Himalayas are the abode of eagles and I am glad that the hon. Minister is the master of that mountain, that is Kailash. But, Sir, I know that this eagle devours snakes. But can it devour all the snakes ? There are vipers very big. I have seen the skin of a viper. It was 24 feet long. Imagine how big the vipers are. Can the eagle devour them ? At last when the eagle does not find snakes for its meals, it comes down, down, down to the sea level and there I have seen with my own eyes it eats the carcass with nasty smell. I request

[Shrimati Angelina Tiga.] the hon. the Law Minister and the Government before this Bill is passed to do away with illiteracy and all sorts of disturbances and difficulties, miseries, sorrows and groanings of these tribal folks. Here are the tribal folk suffering more and more. They are under the protection of our national flag, but I see thousands and thousands of them suffering day and night. They say, "We are Indians. We are loyal to India. We are the ancient people of India. We have served this country. It is because of our labours that you are eating, drinking and wearing clothes, and wearing ornaments and all sorts of things." Sir, I hope I will not be regarded as a disloyal citizen. From my very childhood when I was a girl of six or seven I know their suffering and I was looking for the day when I could put all their grievances before the Government for them to be redressed. I do not criticise the Government, but it is my prayer that the Government should take up the cause of these suffering people. There is a couplet which I learnt when I was in the fourth class :

“दुर्बल को न सताइये जाकी मोटी हाय,
मुये खाल की हाय सों लंह भस्म होइ जाय ।”

दुर्बल को मत सताइये क्योंकि उनका दुख बहुत भारी है, उनकी हाय बड़ा नुकसान करती है। मरे हुये चमड़े, यानी जानवर से जो हवा निकलती है, जो हाय निकलती है, उससे लोहा भी भस्म हो जाता है।

Do not trample upon the poor; do not suppress the poor; because the air that is pumped out of the bellows melts the iron and ultimately destroys it."

SHRI B. N. DUBE (Vindhya Pradesh)

श्री बी० एन० दुबे (विन्ध्य प्रदेश) : माननीय अध्यक्ष महोदय, माननीय गृह मंत्री ने कहा है कि यह कानून राजनैतिक संस्थाओं को समाप्त करने के लिये हम नहीं बना रहे हैं और दूसरी तरफ प्रधान मंत्री ने कहा है कि सम्प्रदायवादियों, आतंकवादियों और जागीरदारों से खतरा है। तो ये दोनों बातें ठीक नहीं मालूम होती हैं। सरकार की

नीयत जागीरदारों को दबाने की है, क्योंकि सरकार कहती है कि सीराष्ट्र में जागीरदारों को दबाने के लिये कानून बना रहे हैं। तो जब सीराष्ट्र में जागीरदारों को दबाने के लिये यह कानून बना रहे हैं, जब विन्ध्य प्रदेश में जागीरदारों के खिलाफ हम लड़ रहे थे, उस वक्त सरकार को चाहिये था कि हमारी मदद करती लेकिन जागीरदारों को दबाने के बजाय सरकार ने हमें दबाया है। हमने कोई किसी तरह का हथियार नहीं उठाया था। केवल एक अहिंसात्मक ढंग पर सत्याग्रह कर रहे थे। उस वक्त हमें नजरबन्द किया गया और एक बार नहीं बल्कि चार बार। मैं सरकार को इस बात के लिये प्रमाण दूंगा कि हमारी नजरबन्दी में लिखा है कि इलाकेदारों के खिलाफ इलाकेदारी प्रथा नष्ट करने के नारे लगाते हैं। यह उस में लिखा है और मैं सरकार के सामने इसे पेश कर सकता हूँ। दूसरी बात यह लिखी है कि मंत्रिमंडल के खिलाफ "भ्रष्टाचारी मंत्रिमंडल भंग हो", यह आवाज उठाते हो। हमारा यह मंत्रिमंडल के खिलाफ उठाने नारा था और वह इसलिये था कि सरकार ने इलाकेदारों की सरकार बनाई थी और नाम-जद सरकार बनाई थी। हमारी पार्टी ने यह आवाज उठाई थी कि भ्रष्टाचारियों की मिनिस्ट्रियां बन रही हैं और उनको समाप्त करना चाहिये। यह आवाज भी हमने शुद्ध अहिंसात्मक ढंग पर उठाई थी। जो भ्रष्टाचारियों की मिनिस्ट्री (ministry) स्थापित हुई थी, वह भ्रष्टाचार में ही अत्म हुई, जिसके मिनिस्टर (minister) को तीन साल की सजा हुई और दो हजार रुपये का जुर्माना हुआ। परन्तु इसके बाद कांग्रेस ने उसी मिनिस्टर को कांग्रेस टिकिट पर खड़ा किया था। जब इसी चुनाव में वही मिनिस्टर फिर से खड़ा किया गया, और एक इलाकेदार, जिसकी आमदनी तीन लाख रुपये की है और जो भ्रष्टाचार में

सजा पाता हूँ उसी को फिर कांसेस टिकट दिया जाता है, तो यह कैसे कहा जा सकता है कि सरकार जागीरदारों को दवाने के लिये ऐसा कानून बना रही है ?

SHRIMATI SHARDA BHARGAVA (Rajasthan):

श्रीमती शारदा भार्गव (राजस्थान): अध्यक्ष महोदय, मैं एक प्रश्न पूछना चाहती हूँ कि विधेयक में यह कहाँ लिखा है कि यह जागीरदारों के लिये या किसी पार्टी के लिए बनाया गया है। यह तो जो भी शांति व्यवस्था के खिलाफ काम करेगा उसके लिये है, न कि जागीरदारों के लिये है।

SHRI B. K. MUKERJEE (Uttar Pradesh)

श्री बी० क० मुकर्जी (उत्तर प्रदेश) :

आपने कानून तो पढ़ा नहीं है।

SHRI B. N. DUBE:

श्री बी० ऐन० दुबे : इसके अलावा जिस वक्त इलाकेदारों की मिनिस्ट्री चल रही थी, उस वक्त वहाँ के इलाकेदार किसानों से लगान का चीमुना नाजायज मुआबिजा बसूल करते थे। माननीय सदस्य कौप्टेन अवधेश प्रताप सिंह जी यहाँ पर होंगे, उनकी मिनिस्ट्री थी, वह प्राइम मिनिस्टर थे। इन्हीं के इलाके की और दूसरों की भी यह हालत है कि अगर किसान घास ले कर आते हैं, तो आधा ये इलाकेदार ले लेते हैं और आधा उसका होता है। इन लोगों के इलाके में किसानों की इतनी बर्बादी है कि जितनी घास काट कर लाता है, उसका आधा हिस्सा ले लेते हैं और फिर आधा उसको मजदूरी में बच रहता है। यही नहीं, तीन तीन आने मजदूरी देकर लाठी डंडे के बल पर काम कराते हैं। अगर सरकार इसकी जांच कराये, लेबर मिनिस्टर (Labour Minister) इसकी जांच कराये, तो हम इसका सबूत देंगे कि तीन तीन आने पर मजदूरी कराई गई। अगर इसके खिलाफ आवाज उठाई गई, तो हमको बन्द कर दिया गया। यही नहीं,

१० परिवारों को, किसानों को, अपने कर के १० मील की दूरी पर तीन माह तक रहने का वार्डर (Order) कौप्टेन अवधेश प्रताप जी ने किया था और वह वार्डर इसलिये था कि उन लोगों ने इलाकेदारों को चार गुना मुआबिजा देने से इन्कार कर दिया था और इसी कसूर में किसानों को नजरबन्द किया गया था। हमारे साथ ५० या ५५ की तादाद में मय साबियों के थे नजरबन्द कर दिये गये थे। तो फिर ऐसी हालत में यह कैसे कहा जा सकता है कि सरकार शांति और अमन कायम करने के लिये यह कानून बना रही है।

हमारे माननीय गृह मंत्री साहब कह रहे हैं कि सूखी घास में दिवासलाई लगाने वालों के लिये हम कानून बना रहे हैं। जो घास देश की सुन्दरता को बनाये रखने वाली है, उसको काट कर के जिसने सुबाबा है उसके लिये कौन सा कानून है? देश की सुन्दरता के लिये घास है लेकिन जो उसको काट कर सुबा दे, उसके लिये कोई कानून नहीं है। आज तो सच बात वह मालूम होती है कि यह जो एक पार्टी की सरकार है वह प्रजातन्त्र शासन को एकतन्त्र शासन में लाने के लिये कलाबाजियाँ कर रही है और यह गोरखबन्धा इसीलिये हो रहा है। यह तो केवल एकतन्त्र शासन करने के लिये कलाबाजियाँ चली जा रही है, वरना कोई जरूरत नहीं है कि हमारे देश में नजरबन्दी कानून बना रहे। अगर आप शांति व्यवस्था लाना चाहते हैं तो सीधी बात है कि यह जो आपने दो सत्रों के राज्य कायम किये हैं, उनको चार सत्रों के राज्यों में परिवर्तित कर दें। आज दो सत्रों का राज्य है, एक प्रान्तों में और एक केन्द्र में, इनको चार सत्रों में परिवर्तित कर दें और देश के अन्दर चौसठवाँ राज्य कायम कर दें। गाँव वालों के लिये यह कीजिये कि गाँव

[Shri B. N. Dube]

पंचायतों से शासन करें, जिले वालों के लिये यह कीजिये कि जिला पंचायत से शासन करें और प्रान्त वाले प्रान्त से और केन्द्र वाले केन्द्र से । शासन के चार हिस्से कीजिये, तो आप देखेंगे कि न तो देश में आतंकवाद होता है और न किसी तरह के जुर्म ही होते हैं ।

10 a.m.

यदि हमारी व्यवस्था बिना नज़रबन्दी के हो सकती है तो फिर क्या ज़रूरत है कि नज़रबन्दी कानून लावें । फिर हमारी सरकार जो शुद्ध अहिंसात्मक सरकार कही जाती है, वह स्वयं हथियार उठा रही है और दूसरों से कहती है कि हथियार रख दीजिये । मैं तो सरकार से यही कहूंगा कि यदि हमारी सरकार वास्तव में शांति व्यवस्था लाने के उद्देश्य से यह कानून बनाना चाहती है, तो उसे चाहिये कि कानून बनाने के बजाय वह चौखम्भा राज्य की व्यवस्था करे । चौखम्भा राज्य की व्यवस्था से न तो हमको नज़रबन्दी कानून की ज़रूरत पड़ेगी और न सूखी घास को जलाने वालों को पकड़ने की ज़रूरत पड़ेगी । मगर सरकार ऐसा न करके कानून बनाती है ।

इससे साफ मालूम होता है कि यह बिल सरकार अपने विरोधियों के दमन के लिये बना रही है । हैदराबाद में साम्यवाद को दवाने या विन्ध्य प्रदेश में समाजवाद को दवाने, मध्य प्रदेश में जनसंघ वालों को दवाने और राजस्थान में जागीरदारों को दवाने के लिये इस बिल में बात चली है । यानी इस तरह से विरोधियों को दवाने के लिये यह कानून बनाया जा रहा है । प्रान्तीय व्यवस्था को कायम रखने के लिए नहीं बनाया जा रहा है । अगर यह बात होती तो महात्मा गांधी जी ने हमको जो यह पाठ पढ़ाया है कि हिंसा को अहिंसा के जरिये दवाया जा सकता है, जब हमको इस तरह का पाठ पढ़ाया गया कि हिंसा को अहिंसा के जरिये दवाया जाना चाहिये, तो हमारी

सरकार क्यों हिंसा को हिंसा के जरिये दवाने जा रही है ?

जब हमारे साथियों ने जेलों में और कोठरियों में बन्द रहते हुए भी इतनी बड़ी हिंसक गवर्नमेंट को इस देश से निकाल दिया, तो आज कौन सी बात ऐसी है, जिससे कि हमारे साथी अपनी अहिंसा की नीति के बल पर, अपनी तपस्या के बल पर, आज जो देश में हिंसा हो रही है, उसको नहीं मिटा सकते हैं । कानून की कोई आड़ ठीक नहीं समझी जाती है । हमारा यह कहना है कि अगर सरकार इस तरह के कानून से देश में अमन-चैन ला सकती है, तो हमारे देश की इससे विदेशों में बदनामी होगी । वह लोग समझते होंगे कि यह कौनसा प्रजातन्त्री देश है, जहाँ पर राष्ट्रीय कार्यकर्त्ताओं के सदस्यों और जनता के प्रतिनिधियों को नज़रबन्द किया जा रहा है । इस तरह के कानून से तो विदेशों में बुरा असर पड़ता है । हमारी सरकार प्रजातन्त्री सरकार कही जाती है, तो मेरा यह कहना है कि प्रजातन्त्री सरकार के लिए इस तरह का कानून एक घातक चीज़ है । मैं तो यह कहता हूँ कि यह कानून जो सरकार पास करने जा रही है, इससे वह इस देश में एकतंत्री सरकार कायम करने जा रही है और इसी नीयत से वह इस कानून को देश में लागू कर रही है । यह जो कानून है वह एक गोरखधन्धे के रूप में प्रजातन्त्री शासन की जगह एकतंत्री शासन की व्यवस्था करना है । मेरा सरकार से यही कहना है कि चौखम्भा राज्य की व्यवस्था करने के लिये शांति स्थापित करें, इस कानून को गोरखधन्धा न बनावें । “जो गुड़ दीन्हे ही मरे, माहुर देह न ताहि” ।

[For English translation, see Appendix II, Annexure No. 86.]

MR. CHAIRMAN : I am glad Mr. Reddy is back in the House. He may speak seated.

K. REDDY (Mysore: I could stand for a while.

AN HON. MEMBER : When you finish you may stand.

CHAIRMAN : He can speak, S.

SHRI C. G. K. REDDY: Sir, If I stand in the House for the first time, I am sure that you are giving me

think my leader has already explained the principles on the basis of which this Bill and I don't think it will go into any more except one which I should like to adumbrate here. I am sure the House will agree with me when I say that when the question is posed before us as to whether the people or the Parliament is supreme, the answer must inevitably be that the people are supreme. When I say this, I do *feel* that legislation of this kind would go against this very principle which should be accepted by all of us. As an example, I would say that those who accept this principle when they want to pass such legislation as this, go to the people and ask for their express mandate. I would quote an instance even regarding the Constitution. In France if you will remember, in 1946 when the Constitution was drafted, the Constitution was referred back to the people and the people rejected it. So much so, the Constitution had to be redrafted again before it became the Constitution of the Fourth Republic. But unfortunately we did not have the privilege of having this Constitution which allows the passage of such legislation, referred back to the people so that the people could have given us an express mandate on the Constitution itself. If I may quote from the example where such legislation has received or not received the express mandate of the people, I should like to refer our Home Minister to Australia. I think it was in 1950, when the Government wanted to ban the Communist Party. They had powers to do it under the Australian Constitution but they thought that it would be against the fundamental principles of democracy to do such a

thing. So an express referendum was made to the people and the people rejected the proposal that the Communist Party should be banned. Similarly, this legislation ought to have received the express mandate of the

people, which, I should like to put before this House, has not been received by us, representatives as we are of the people.

There is another principle involved. In democracy certain powers are delegated to the representatives of the people. We rule the country, sometimes misrule the country, with the powers that have been delegated by the people who are always sovereign. But it cannot be that the fundamental rights, which are inalienable, could be restricted by the delegates of the people. We cannot take upon ourselves the responsibility and the power from our sovereign, the people to restrict their fundamental rights. If any restrictions are to be put on those fundamental rights, then it is essential that the sovereign, our sovereign, the people of India, give an express mandate and tell us that they want to restrict their own rights. Except in times of war or in an emergency it is not possible nor is it desirable. It vitiates against the fundamentals of democracy that the delegates of the people, the representatives of the people should take upon themselves the power to restrict the inalienable, the absolute rights of the people.

Having said this much, I should like the indulgence of this House to rebut a proposition put by the Home Minister and continued to be put by him. He tells us the Act is there but after all you can depend on a good Administration, you can depend on the democratic Government that we have, you can depend—some Members would like to say—on our democratic Prime Minister to see that the provisions of this Act are not misused. I should like to answer that argument.

First of all, I refuse to accept the contention that our Administration

[Shri C. G. K. Reddy. J

is democratic. On a previous occasion, when the Criminal Law Amendment Act was under discussion, I proved to the House, and I hope I proved it, beyond all doubt, and it has been accepted by our own leaders—by ourselves before we got our independence—that the administrative set-up, the administrative machinery, was fashioned, was introduced into this country for one sole purpose, and that purpose was to keep the people under subjection. The entire ramifications of the Criminal Procedure Code, the powers that are given to the district or smaller officers, are such that they are designed to keep our people under subjection and not to serve them. Now, the provisions of this Act, the powers under this Act, are to be delegated to the officials who we know have been trained in this concept of keeping the people under subjection. The hon. Home Minister may say, if I quote some examples, that they are very few and in the situation that is facing this country today—what situation this is, we do not know—we have to face the risk of depriving a few people of their freedom for the sake of the security of the State. I am willing to accept that proposition. I am willing to accept that for the security and wellbeing of the whole nation, a few people may have to lose their freedom. But when the entire administrative set-up is geared to see that the people are kept under subjection, when you give that administration additional and arbitrary powers under this Act, it will not be a case of a few examples. It would be the rule rather than the exception and the freedom that we have tried to give to ourselves and the freedom that we have been fighting for will remain a mere word and not certainly in substance. May I refer to the democratic Government that we are supposed to have? The hon. Home Minister has betrayed the "democratic" setup of this Government during his own speech, and it has been betrayed in the speeches of his party members in this House and in the other House.

Sir, it would not be out of place if I say that those who rule this country today have fantastic notions of democracy, and if I may say so, they have brought about trimurtification of State whereby they have removed the barriers between the three distinct entities in a democracy—party, Government and the State. In their speeches they have exhibited and demonstrated this—There is no time for me to give examples where they have said that an act against the Congress party is an act against the Government and an act against the Government is an act against the State. They have gone so far as to propound the theory that those who do not belong to the Congress party are traitors to this country. This is the sort of concept which has gone deep into those who rule the country today. They cannot deny it. Every action of theirs betrays this confusion, this deliberate confusion that they are trying to create between the three distinct entities that ought to exist in a democratic set-up. When this is the attitude of the Government how can we expect this Government which thinks that those who oppose the Congress party are traitors to this country, how can we trust this Government to see that the provisions of this Act are not abused?

There is also another extraordinary concept, Sir, which is being propounded. They said that when we have the ballot-box, when we have democracy in India, there is no place for any agitation, there is no place for any demonstration, there is no place whatever for *Satyagraha*. To some extent my leader Shri Acharya Narendra Dev has answered this. I should like to elaborate it a little. The contention is this, that today if the people through the ballot-box choose a group of people to rule this country, if tomorrow this group of people perpetrate a gross injustice in this country, then the proposition is that the people who mistakenly or otherwise, trustingly or otherwise, elected these representatives, have to wait for the next five years before they can right this wrong. This is a proposition which to me appears to be fantastic. I cannot

believe that those who say today that they believe in democracy, can have the audacity to suggest that the sovereignty of the people can be restricted to one single act during the general election. Am I to understand by this that the people have no control over their representatives once they have chosen their representatives ? Am I to understand that once the Government is formed after election, the people have no control whatever on that Government ? Sir, I say again that the people are sovereign and their control is continuous. Democracy demands that the control of the people, the checks that they can fashion over a Government gone amok or which misbehaves, should be such that they would be able to control that Government and not be obliged to wait for the next five years to change that Government. Sir, under these circumstances, how can we expect the Government which believes in a type of democracy which is no democracy at all, in a type of democracy which is very convenient for those who are in power today, how can we expect them and how can we trust this Government to see that this Act will not be abused ?

Finally, Sir, I should like to refer to another thing about which my friends on the other side have been telling us *ad nauseam*, and that is about the Prime Minister. They say, even if the Government misbehaves, there is always the Prime Minister who believes in democracy and who will be able to pull up this Govern-ent I refuse to accept the dangerous contention that the destinies of democracy in this country could be left to the goodwill of one man. Nor can I accept that our Prime Minister is democratic. I beg to differ most humbly from this contention that the Prime Minister is democratic. There have been occasions when he has been most undemocratic. I do not want to give examples. There have been inside the Congress party and outside in the Government also occasions when the Prime Minister, under whom some of us on this side also fought and

for whom we had the greatest admiration and for whom we still have affection, has not behaved like a democrat. So, Sir, if the Administration is such that we cannot say that there are no abuses of this Act, if the Government is such if their ideas of democracy are such that we could not vest powers under this Act in their hands, if we cannot even appeal to the Prime Minister on certain occasions—and I can quote many occasions from my own personal experience, my own personal intimate knowledge

(Time bell rings.)

I should like to have a little more time, Sir.

I know of occasions where he has not acted democratically. I will give one instance. There was a matter which I felt to be a great injustice and I appealed to him personally by a personal letter, asking him to look into it, not that he should do such and such a thing, but that he should please look into the matter. What do we find ? I have yet to get even an acknowledgment although it was written when he was in the same city where I come from, Bangalore City, about a year ago. Now, Sir, we are not willing to accept that conditions in this country are such, the Government is such, the administration is such, that the Prime Minister is such a being, that we can expect justice even under this Act. After this, Sir, I should like to refer to only one or two things, if you will permit me.

Sir, the hon. the Home Minister would naturally ask—I am willing to accept that there will be abuses ; I am willing to accept that—some officials are in the hands of the State Governments and those who ought not to be pulled in by the Act will also suffer—that he should be given a weapon with which he can deal with subversive, violent elements who, he says, are anxious to subvert the Constitution, who owe extra-territorial loyalty, who do not believe in democracy. He would naturally ask us and we would be failing in our duty if we do not tell him

[Shri. C. G. K. Reddy.] how to deal with them. Sir, so far as we are concerned, whether we sit in the Opposition or elsewhere, I can assure the Home Minister and the Government, and I can assure the people outside, that just as we fought hand in hand as comrades against the deprivation of our sovereignty and against a foreign power which took away our independence and which kept us under slavery we would fight hand in hand as comrades against any elements, whether they are inside or outside, which threaten the sovereignty and security of the country. But, I am not willing to concede that this is the weapon with which you can fight. I do think that this weapon, instead of fighting against those elements has placed a great stranglehold on this country in the hands of those very elements. I may refer to one or two things that happened in Hyderabad, for instance. We are told that the situation in Hyderabad is so bad that we have to contend with these elements and this is the Act with which we can contend against them ; but, I do say that the Government have not acted as they should have against elements which try to subvert the State.

Sir, in Hyderabad, many people, innocent people, the villagers, who had to contend with Government atrocities during day time and atrocities of another type during the night time, have been arrested and detained by the thousand and not only has that injustice been done, but my hon. friend the Home Minister and his Government have provided free training camps to those elements who are anxious to subvert the State. Sir, the hon. the Home Minister knows, and I know, how difficult it is to train people for a political party, how difficult it is to get political workers trained properly, how difficult it is to persuade people to get trained. But by the policy of the Government of India in Hyderabad, they have supplied a cadre of innocent people by pushing them into jails and thereby giving an opportunity to the very elements whom they want to suppress, to train these people and make them perfect soldiers in violent

and subversive activities. If I may read out a small notice, Sir, printed in Arunodhaya Press, Peddapalli : it has an imprint and it is in Telugu. It reads as follows. (*Reads out the notice in Telugu*). In English it means : "The traitorous acts of the Socialists. The people and workers who believe in truth must fight against this. Brothers and Sisters, on April 18, in Chennur Taluka in Krishnapuram, io Socialist workers got hold of, shall I say, some underground Communist workers who came to that village, took away their arms and gave them to the Government." And then, of course, starts a tirade against the Socialists. If you want, I will translate the tirade against the Socialist Party.

SHRI P. SUNDARAYYA : You did not translate one sentence in the middle. You omitted one sentence that "they invited them for food".

SHRI C. G. K. REDDY : "Invited them for food and took away the guns and gave them away to the Government". A small correction. The fact is that they did not call them for food and they were not Socialist workers. They were villagers themselves. In Adilabad, where the Communists have no hold and where they came in, the villagers themselves took away the guns and handed them to the Government.

MR. CHAIRMAN : Kindly wind up, Mr. Reddy. I have not given this much time to others.

SHRI C. G. K. REDDY : Kindly give me five minutes more.

MR. CHAIRMAN : Oh, no. You have had 20 minutes already. You must finish up now.

SHRI C. G. K. REDDY : Here is an open pamphlet. Here are the people trying to protect themselves because if they allow this sort of activity in their villages, the Government swoops on them, takes them away and puts them in jail. So, they try to protect themselves and then an attack comes

from another party. What happens to them? Does the Government protect or do anything? They do not and in every case they have done nothing about it. Instead of that what they will do is, as they have already done even in this Adilabad area, they take away innocent villagers, because, by threats or otherwise, they have given money, they have given protection to subversive elements and they thereby give them an opportunity to train them into very efficient soldiers of violence and subversive activities.

Now, I should like to suggest, Sir, that if there are subversive elements—I am not willing to say that there are—if there are people who believe in violence, if there are people who owe extra-territorial loyalty, whether on political or other grounds, then it is up to the Government to tell the people, to tell us that here is the situation, here are the people by whom the security of the State is threatened and I can assure the Home Minister that there will be hardly anyone in this House who will not give him the powers to contend against those elements. I would invite his attention to certain provisions in other Constitutions where such elements can be...

SHRI S.N. MAHTHA (Bihar): Well, if the hon. Member wants them to be outlawed the Chief Minister of Madras has already made a speech calling such a party enemy No. 1. What is the co-operation the hon. Member can offer him?

SHRI C. G. K. REDDY : Well, we are not talking about the Chief Minister of Madras. We are talking about the Preventive Detention Act.

We should like the hon. Minister to tell us. On a previous occasion, the hon. the Leader of the House said he had some proof. By just saying he has some proof, he does not do justice to those people nor to the country. He must come out with the truth. He must tell us that they have connections with the foreign power, they believe in violence and they have

done all these. Why fight against truth? Is there something which you want to hide for yourself alone? Let us know the truth about yourself, about the Government and let us know the truth about everybody so that the people of this country may give you the powers—continue these powers to fight against these things.

As I was saying, there are certain provisions in the Constitutions. I should like to refer, for instance, to the Brazilian or Chilean Constitution where there is a provision that those citizens who believe in the violent overthrow of the Government, who do not believe in plurality of parties in the country, who owe extra-territorial loyalty or who act in such a manner that clearly shows that they do not believe in democracy—those people shall be de-citizenised. Now, I put this proposition before the Home Minister : if he thinks that there are groups in this country, that there are people in this country who do not believe in democracy which has been accepted by the people who are deliberately trying to subvert the State, the security of the State, who owe extra-territorial loyalty, then I put this clear proposition before him that we cannot afford the protection of the State to those elements and groups and the only manner in which he can deal with them is to de-citizenise those people who do not believe in the sovereignty of the State, who do not believe in the democracy which we have accepted. That is the way to contend against them, not by this Act whereby he would like to kill all opposition, every kind of opposition that there may be. I would refer to one tendency of the Government. Now, Sir, whether in this country or elsewhere, history tells us, there has always been this tendency between the Conservatives and the Communists, there has always been a tendency to sharpen their conflict. It is inconvenient for them to fight any other group except each other. I should like to charge this Government with following this policy of helping the polarisation of political forces in such a manner that they will be able to

[Shri C. G. K. Reddy.] contend only with a particular group. This is a thing which has always led such forces and such parties—Conservatives or otherwise—to sell themselves and the country to the Communist ideology- I do not know whether the present Government wants the Communist ideology to have a grip on this country ; if they want it, they are welcome to it ; if the people want it, let them have it. But if they do not want it > if it is not their intention, then this is not the manner in which to tackle it—threatening the country all the time that there is Communist danger through this, through that or something else We want them to prove first of all that the danger is there in fact, and then come out and say that they have to be dealt with. But if you don't prove anything against them, If you fight shy of all enquiries into what actually happened, and then if vnu try to threaten the country by Lving that there is the danger and 2l, we have to contend with it, then tcan only say that you are going to use this Act against all and sundry as you have been using it.

Before concluding, there is only one request I should like to make of the hon the Home Minister regarding P, use 4—power to regulate the place and conditions of detention I would Lve given cases in which political onponents, to whatever party they belong, inconvenient political opponents have been detained and in such conditions that sometimes they regret that the British have left this country. c I do not regret it and I will never resret it, but I am saying that there are People who regret it because of the banner in which they are detained. T mvself have been a victim last year for is davs. They detained me in such conditions that I had never gone through even in those days of 1942 m Red Fort or Fort St. George in Madras. In Mysore the conditions were such that in'15 davs they broke my health which the British with all their methods could not break by three years of detention. Here I have a case which I would like to read out, but I will

pass it on to the Home Minister, where deliberately in Punjab detenus have been detained by a Deputy Commissioner, because he does not like them, and then they are classified in 'C' because he wants to take revenge against them. This is what they have been doing.

It is all right for the Home Minister to say that he will try to do something about it, but it would be well to have certain rules. The British had them during the war. I do not know whether it was so in all provinces, but so far as such detention was concerned, there were certain rules, and a certain class of diet, a certain maintenance allowance, a certain clothing allowance, and so on—all these were specified. In the same manner, if the Government find it absolutely essential that they should pass this Act, in spite of the fact that it is an Act which does not flavour of any progress—if in spite of that they want to pass this act, the least they can do is to see that humane conditions are afforded to j those who are arrested and detained.

MR. CHAIRMAN : The hon. [Member was sick. I gave him a few minutes extra, but that is because he has come from hospital to make his contribution to the discussion. But that will not be a precedent.

AN HON. MEMBER : Even for those who come from hospital ?

MR. CHAIRMAN : There are none others like that.

SHRI ABDUL RAZAK (Travancore-Cochin) : Mr. Chairman, I have listened to some of the brilliant performances by Congressmen, and today I have had the misfortune to listen ¹ to the rather inspired speech of Prof. j Ranga also. All considered, I am j clear within myself that a good case I has been made out for opening up what are called concentration camps, preferably attached to the various community projects now under way. All the same I wish to make it absolutely clear that nothing has been establish-

ed so far either by the Home Minister or by the brilliant parliamentarian, my hon. friend, Diwan Chaman Lall, which would warrant this piece of iniquitous legislation. Much has been said from either side, and, availing myself of this opportunity, I do not propose to take much of the time of the House but wish strictly to confine myself to only two aspects of the Bill.

In normal times this piece of legislation turns out to be a tyrannical or frightful engine of suppression of all legitimate and democratic activities. Still, Sir, I am not so much frightened at the provisions of this Bill in so far as they relate to the Home Minister, as at their application in the various States by lesser men. So far as I know the state of affairs in Madras and Travancore-Cochin, I have a very serious apprehension that the provisions of this Bill will be grossly abused. I had the privilege the other day to listen to the hon. the Home Minister telling the other House that "every State in India wanted preventive detention, and if the Act was not extended to some of the States, those States would enact their own measures". All the States in India today might have asked for such a piece of iniquitous legislation, but I very seriously question the correctness of the hope expressed by the Home Minister that, left to themselves to act under entry 3 of the Concurrent List, every State particularly Madras and Travancore-Cochin, would be able to enact such a piece of legislation at the present moment. Left to themselves to act under the Concurrent List, entry 3, it is easy for any one to understand that they would not even think of venturing on any such step. I challenge if they have the strength in them to do that. It is common knowledge that in either of these two States there is what is called an artificial majority that runs the administration there. We know what all methods were employed to secure this majority and we know what all methods are being employed to keep up this artificial majority there. If I may say so, they are "tinged" with temptations and

promises. Even so, this artificial parliamentary majority thus secured is so slender that it cannot endure even the slightest hitch. It is in this context that I fear most that the provisions of this Bill will be abused. More so, in the context of the most impolitic statement referred to by one hon. Member there when my hon. friend Mr. Reddy was speaking of the Chief Minister of Madras State. I fear that the mischief of these provisions will have a wide scope. We all know how well the Madras Chief Minister is adept in pressure tactics and it was only the other day that the Congress chieftain of the Madras State made that most impolitic statement on the floor of the Legislature there, declaring himself as enemy No. 1 against a very important group in the Legislature. And before it could be digested there, this statement was vociferously repeated on the floor of the Assembly in Travancore-Cochin by the Finance Minister there. Judged in this context, my fear is all the more that these provisions will be grossly abused for political purposes.

SHRI P. SUNDARAYYA : Mr. Chairman, may I make a submission ? Every day I am seeing the sergeants—I do not know by what name they are called—almost crawling on the floor when they approach some hon. Member or the Secretary. Of course for the sake of the dignity of the House it is necessary that they should not come between the Chair and the speaker. But they need not unnecessarily bend so low. That is against human dignity. I hope you, Sir, will take note and do something in the matter.

MR. CHAIRMAN : They do not want to come between the Chair and the speaker.

SHRI P. SUNDARAYYA : They can come the other way.

SHRI ABDUL RAZAK : Sir, I was speaking of the Congress Chief Minister in Madras, whose statement was vociferously repeated by the Finance Minister in Travancore-Cochin. In

[Shri. Abdul Razak.] Travancore-Cochin particularly, already there are three elected representatives to the Assembly behind bars. Should anything happen to disturb the present artificial majority there, I have no doubt left in my mind that these provisions will be abused to the extent of deliberately making some of the oppositionists victims of these provisions with a view to keep down the strength of the opposition in the Assembly.

Then, Sir, I have a very serious objection to the vesting of powers with District Magistrates for the issue of detention orders, in the first instance. The Home Minister has expressed a good opinion of these District Magistrates. But in Travancore-Cochin our experience is altogether different. Usually on matters of this kind, the District Magistrate does not act on his own initiative or proceed on facts within his own knowledge. He has been trained to believe that he should look up and take his orders from above, over the telephone. So much so, that even the most unscrupulous man in power finds it always expedient to get out-of-the-way things done by these District Magistrates. And invariably that is done with ghastly effect on the public life of the country. Let me cite one telling instance to illustrate the conduct of these District Magistrates. Just before the last elections—I think it was in November 1951—Mr. A. K. Gopalan visited that place.

MR. CHAIRMAN : The hon. Member should not mention the names of any District Magistrates here. Mr. Gopalan's name may be mentioned, but not the District Magistrate's name.

SHRI ABDUL RAZAK : I am not mentioning it. Mr. A. K. Gopalan visited the city of Trivandrum. I think it was in November 1951—• subject to correction. The people there wanted to take him in a procession on a particular day. There was no commotion anywhere in any part of the country and the political atmosphere was quiet and calm. But I believe

the Congress chieftain there was smarting then under political antagonism. On the appointed day of the procession and in the early hours came the order of the District Magistrate prohibiting all processions, public meetings and even press conferences for a period of seven days. This was further extended and to all districts. The other day—I am sorry my hon. friend Mr. Puri is not here—that hon. jurist Member was harping upon the ways of civilized governments. I would like to know from him or from the Home Minister whether there is any other civilized country in recent history which has prohibited the holding of a press conference in normal times under section 144 of the Code of Criminal Procedure. ? I should like to be enlightened on this point.

SHRI C. N. PILLAI (Travancore-Cochin) : Does the Member know that the Communist party was under ban in the State at the time?

SHRI ABDUL RAZAK : I do not remember that, but the order in question deprived the entire people of their most elementary rights.

SHRI K. P. MADHAVAN NAIR (Travancore Cochin) : Does the hon. Member know that he held a press conference in the State during the period ?

SHRI ABDUL RAZAK : That is what I am going to state. In spite of the order Mr. Gopalan did say all that he wanted to say ; he said it to friends who disseminated the whole thing in the Press. There is no reason for the hon. Congress Members to feel delighted over it. It is no credit to them. Mr. Gopalan did say all that he wanted to say to his friends who, in turn, disseminated the whole thing in the Press. But there was hardly the time for the order to reach all the four corners of the district. Ere long there was an innocent meeting held in a remote corner of a remote village,—Thamarakulam—some 50 miles from that city. It was a meeting addressed by a young set of social reformers belonging

probably to the Dravida Manna Kazzhakam, and probably they talked about widow remarriage. The meeting was over, and as they came home they were pushed into police vans and taken to the police lockup. Ultimately they were charged with the violation of this most civilized order and sentenced to imprisonment, which they gladly suffered. Sir, this shows the moorings of the Congress rulers and the doings of the District Magistrates there. To prevent a political adversary from addressing a public meeting, the Congress chieftains go to the extent of depriving the whole people of that right, and the District Magistrates simply father' all such misdeeds.

MR. CHAIRMAN : That will do, Mr. Razak.

SHRI ABDUL RAZAK : I will cut short. This is a very great pitfall which has to be adequately guarded against. For that reason Sir, I want the hon. Minister to make the Minister concerned himself own direct responsibility for the issue of detention orders.

SHRI BARKATULLAH KHAN (Rajasthan) : Mr. Chairman, Sir, I have been listening to the speeches made here very carefully and to my mind there is only one point which has to be discussed at great length. Those hon. Members who are sitting here on the Government Benches feel that there is an emergency. But there are other friends sitting on the Opposition benches who say that there is no emergency. So we have now to see whether an emergency exists in the country and whether there is any justification for a Bill like the one which has been presented to this House now.

But before I proceed further and say something about India as a whole, I would tell you something about my part of the country, that is Rajasthan. Reference had been made about Rajasthan yesterday and I want to tell you, Sir, what the conditions in Rajasthan are, and why we want this Bill to be passed. I never supported

this measure before but today I request the hon. the Home Minister to go through this measure in order to place it on the Statute Book so that the people can be saved and there may be peace and tranquillity in my part of the country. I would ask the hon. Member here to go to Marwar and see what is going on there. You cannot move about freely. You cannot travel. They talk of Telangana Communists and other things. It is completely forgotten how many bad characters there are in Rajasthan. What sort of lawlessness we are having in Rajasthan. And it is time the Government should come forward and do something to check and prevent the anti-social activities of those people. Yesterday a friend of mine from Rajasthan had been very eloquent and said that he came from Jodhpur State. I also come from Jodhpur. I had been Sardar of that State. I had been a Minister of that State. I admire and praise them for their efficiency. I praise them for keeping their balance of mind. But I would say that we are not talking of the year 1947-48. We are discussing the situation which is existing today in the year of grace 1952. My friend has quoted that there has been no trouble during the elections. He submitted a report from the Regional Commissioner. Here I would submit, Sir, that before the polling started in Bankhli—the Chief Minister, of Rajasthan contested the election from Jalore and there are two routes leading to Jalore—instead of going by the Bankhli route, he took another route. But his time was known and so the traffic was held up. The village was looted and the Police Inspector and constables were put in sack and arms were taken away. But he was lucky to save himself. This was all done because of the conspiracy.

Not only that, Sir, but in Malar 16 persons were massacred. No property was looted. No cattle were lifted. Only the village was burnt. That was not enough, Sir. Perhaps my friend will go on quoting from that Regional Commissioner's Report and here I must respectfully submit that not only

[Shri Barkatullah Khan.] that but the notorious dacoit of India, Bhupat was touring in that constituency, Jalore, where the Regional Commissioner had gone and submitted that report. And I cannot believe that the Intelligence Reports that have been going to the Government were ignored by the Regional Commissioner. I am not here criticising him because he is not here. But I am going to place the facts before this House which can decide whether what I am saying is true or not, whether there was such a thing as lawlessness or not, whether the elections were fair or not. I go a step further. In a constituency in Jodhpur, a candidate was trying to reach his constituency to ask for votes. What happened on the way ? For two hours his jeep was fired upon. Luckily he had a gun with him, so he saved himself. Not only that. One of my friends, Mr. Parasuram, was contesting the election from that part of the country. His proposer and seconder were killed. And here my hon. friend has been wasting his eloquence saying that there has been no trouble during the election. I assure you, Sir, there has been plenty of trouble. My hon. friend has quoted the Rajpramukh's address. I can understand his doing so. I am not prepared to refer to that, because there is already controversy in my parts as to whether the Rajpramukh's address was shown to the Cabinet or not. There are certain people who say that it was not shown to the Cabinet. But I am not in a position to say what the position is. I can only reply to my hon. friend in this way : perhaps he being the head of the Government and the Congress being in a majority and in power there at that time, the Rajpramukh was not in a position to say that his Government had failed. On the contrary, the Chief Minister of the then Rajasthan Government had the courage to say, " I failed to keep law and order in my part of the country". I could give many instances, but I do not want to waste the time of the House by narrating what happened during the elections. In view of what happened, this Act is necessary so far as my part of the

country is concerned. In broad daylight villages are looted. Just before the last bye-election started in Chayan a Circle Inspector, a Sub-Inspector of police and a motor driver were shot down, and so far nobody has been caught. And, believe me, when these people move, they do not move like ordinary thieves. They must be able to support themselves. They must have food. They must have sympathisers. They must have supporters. There must have people who give them information. They cannot live without the help of the people. And this Act is necessary to check those people who are bent upon destroying the peace of the country. Strange things have happened in my part of the country. Declared outlaws are having legitimate children, and yet nothing is being done, and nothing can be done.

SHRI S. MAHANTY : What could have been done ? What do you suggest should have been done ?

SHRI BARKATULLAH KHAN : They have not been able to cope with the situation. This measure is necessary

SHRI S. MAHANTY : Does the hon. Member suggest that they should have been sterilized ?

SHRI BARKATULLAH KHAN : I am just stating what the state of affairs there is. A declared dacoit can have the courage to come and stay with his family and have legitimate children.

SHRI H. C. MATHUR (Rajasthan) : The Preventive Detention Act has been in existence for two years. Why has nothing been done ?

SHRI BARKATULLAH KHAN : It has not been very helpful, but if you do not pass this, you are doomed, you are finished. That is my point.

11 a.m.

There is another place in Rajasthan near Jodhpur. It is a famous place

It is called Bagra. You may not like the profession they follow there. They used to gamble and speculate and millions of rupees used to change hands in a year. Today, nobody is there. They have all departed. In Jodhpur city, Dr. Soni was lifted away, and there is no trace of him so far. These are the happenings. Since the beginning of the year, 230 dacoities have been committed. And today, again and again my hon. friends say there was peace and tranquillity when the States were under the old regime when the Congress had not come into power, when the people's raj had not come in power. But let me tell you, and through you this House, that it was not because of these people but it was because there was an established society, because you had somebody who had somebody under him, because every man's place was marked and some had a forward seat and others had a seat behind. Today, you have given a Constitution to the people which guarantees full freedom and equality.

Today the villager is not prepared to submit calmly, as he used to, to those who had power over him. But the stage has now come when the people have realised that it would be better to pay the full amount of rent so that they may have peace and security. There is no security in the villages. If they go and guard their farms, their houses are burnt. If they remain in their houses, their farms are burnt. This is the position in that part of the country. Twenty-seven assassinations have not been accounted for, and yet my friends say their experience is different. Maybe, they have their own reasons for fearing this Act. But in my part, if this is the position, even with this Act in force I do not know what the conditions will be when this Act is withdrawn.'

One thing more, Sir. In the border districts, whenever there is scarcity of petrol or drugs on the other side there is a good amount of rush of materials to the border. Whereas the intake of petrol into Barmer was 300 gallons 37 C. S. Deb.

a week, it went up to nearly 3000 gallons. When there was a shortage of drugs, the same thing happened and when the scarcity was over, there were no drugs in the border districts. These are the things which are coming to light. I would request the Government of India to take care of the border districts. It was in the states in the past that the throne of the Republic was threatened. But the Government have ignored these districts, because they do not know the real conditions. I am giving facts and if the hon. Home Minister, who is also the States Minister, wants to know the facts about my State, he has only to ring up the Chief Secretary and find out whether what I am saying is correct or not. If you ignore these border districts today, you will have to pay dearly for it in the future. Sir, I have seen things happening which perhaps in no other country have happened. Hundreds of cattle have been lifted. Hundreds of camels have been lifted, but nothing has been done. Nobody cares to know and nobody likes to know. If you go there, there is no co-operation from the people. If any man gives any information, he is killed. One man was killed. Another man was going as a witness and he was travelling in the train; he was lifted from the train and spirited away, and till today there is no trace of him. If any Member of this House wants to verify my statements, he is welcome to come and see Rajasthan, not Rajasthan of Jaipur and Jodhpur, but to come down to the districts, to the villages and see the conditions for himself. In the end, Sir, I may respectfully submit to this House that if this Government tries to suppress the civil liberties of the people, then this Government will fail, because our masters are outside this House. They will decide, whether this Government deserves to be there or not. To those of my friends who believe in revolution, I have only one word to say: Supposing this Act is passed and the Government misuses the powers it has under this Act to suppress the liberties of the people, then what will

TShri Barkatullah Khan.] happens¹
You will have your revolution much closer.
In the end, Sir, I would like to submit
that this enactment should be passed.

PRINCIPAL EEVAPRASAD GHOSH

(West Bengal) : Mr. Chairman, Sir, in rising to oppose this Bill, I feel a little bit of a difficulty. The difficulty is this that there is hardly anything new to be said on the merits or the demerits of the proposed measure, so much has been said already. In fact, during the last three weeks, interminable discussions have taken place ; and all that can be said for and against the Bill, the nature of the Bill and its provisions, has practically been said already ; and I am afraid it is difficult for anyone at this stage—at any rate it is difficult for me—to make a fresh approach. At the very outset I would like to say, however, that I am opposed to the principle of this Bill.

It may be that Government has thought fit to introduce certain concessions to the Amending Bill as it was at the start. We are all thankful for these concessions. It is always good to be thankful for small mercies ; but I am afraid I cannot congratulate the Government on the manner in which these concessions have been brought about. It seems to me that there were not so many concessions made as concessions extorted. There has been something like the huckstering and higgling and haggling of the market place here. One day, when the Opposition has become violent—I will not say "violent" because, Mr. Chairman, you do not like the word—when the Opposition has become forceful, Government has yielded. On another day when the Opposition applied some more force, the Government conceded another amendment. It has been a sort of war of attrition, which, in my humble opinion, seems to have robbed these concessions of the grace that might otherwise have been there.

Another thing that has *struck* me—I do not know how far it is proper

for me as a member of the Opposition to refer to it—is the way in which this Government has handled this Preventive Detention Amendment Bill. The Government does not seem to have made up its own mind. It sometimes seems to speak with two voices. What I mean is this : There may be two opposing points of view I quite agree. The Government may be in possession of sufficient materials which to them seem quite satisfactory for the promulgation of this Amendment Bill. It is my grievance that neither in this House nor in the other House nor in the Select Committee—at least the members of the Select Committee have the moral right to be given all the relevant facts—have all the facts been placed. All the materials have not been laid on the Table. Even that could be understood, if the Government were sure of its own mind, if we felt that for certain reasons or other, for high reasons of policy or the security of the State, Government did not like to place all the facts before us. If they were sure of all the facts, their attitude should have been different ; they should have said, "Look here. We quite appreciate your difficulties. There are difficulties, we know ; but in the light of the facts that are known to us, we have come to the conclusion that for two years or more this Preventive Detention Act has got to continue." And they should not have budged an inch from that position. We could have understood that. And the Government benches have a majority here, and they can steamroller and crush down all the amendments and all the proposals the Opposition may put forward. But that was not the attitude that the Government adopted. As I said before, when there was pressure on one side and there^N was pressure on another side, they yielded little by little to this pressure or that pressure. That is to say, one had the impression that the Government was not very confident or was not very definite that all the provisions of the Act or all the provisions of the Amendment Bill were really very

necessary. They had something up their sleeves which should be given away little by little as occasion demanded. I would submit, Sir, that this is hardly a very dignified attitude for a Government to adopt in dealing with a measure of this kind.

I shall not deal with that any further. The objections that Members on this side of the House have to this Bill are fundamental. They go to the principles of this Bill, and that is this. Though one can easily concede that when there is real emergency or high internal commotion and civil disturbance or any threat of foreign aggression, steps have to be taken to ensure the security of the State, even at the cost of limiting the liberty of the individual, still our fundamental position is that in more or less peaceful and normal times—and even the Home Minister, I suppose, will not deny that just now in the year of grace 1952— even in this mid-summer when madness is supposed to be rampant, the times are more or less peaceful and normal, this sort of detention of persons without trial, interfering with the liberties of the people at the sweet will of the executive is not defensible. As I told you before, I shall not go into the details. The details have been thrashed out threadbare—one may say *ad nauseam* in both the Houses.

This detention without trial has a history behind it. When we were very young, I suppose it was in 1907, we first came across instances of detention without trial. We did not then know that the British had in their armoury any such regulation or law. In May 1907, when I was in the school, news was flashed from the Punjab that Lala Lajpat Rai and Sardar Ajit Singh had been "deported". That was the word used. Under what law? We never knew anything about it; even the most astute lawyers hardly knew anything about Regulation III of 1818. Then the lawyers looked up the old Bengal Regulations. It was a Bengal Regulation; and they found that the Regulation was enacted at a time when the British authority in India was not yet fully

established—those were troublous days and the law was not meant for ordinary citizens at all, but it was meant for Chieftains and Rulers who were more or less semi-autonomous and semi-independent. There was a huge outcry against that—I remember even at this distance of 45 years. That rusty old weapon of Regulation III of 1818 was polished up, *burnished* up the very next year in 1908—and the attack was *nearer home*—for the blow fell upon Bengal. Nine of the most distinguished leaders of Bengal, headed by Aswani Kumar Dutt of revered memory, were deported under Regulation III. That created a tremendous sensation. A few years after that came the Great War, and all is fair in love and war, as we know. We did not hear much more about Regulation III, though it was not at all rusty then; it had been quite polished at that time. There were the Defence of India Act and its Regulations. We remember all that. In 1916, in the middle of the war—First Great War—hundreds of people—I speak from my experience in Bengal—were clapped up in prison, "interned"—that was a new phrase coming up at that time, not "deported"—under the various Regulations of the Defence of India Act. The war was over in November 1918. Then a very curious thing happened; and what happened then has some relevance to what is probably going to happen now. After the war was over—I suppose the duration of the Defence of India Act was for the duration of the war and six months after that so that we come to 1919, the British Government felt that there were dangerous elements abroad in the country so that some steps had to be taken about them. They introduced what has come to be known in history as the Rowlatt Act. It is very significant that this Rowlatt Act was passed by all the forces in the Legislature that the British commanded at that time, in spite of the unanimous opposition headed by the great Sir Surendra Nath Banerjee of blessed memory, who was a member of the old Imperial Legislative Council and who walked out in protest against the

[Principal Devaprasad Ghosh. In manner in which the Act was sought to be passed The Act was passed and the irony of it all was that that Act which was passed in such a fashion with such a fanfare was never subsequently used. It became a dead letter from the law point of view. But that Rowlatt Act had its consequences. That Rowlatt Act gave rise to such a measure of universal protest that it brought the advent of Mahatma Gandhi in the field of Indian politics. He started the *Satyagraha* and Non-cooperation movement, and that movement resulted in widespread disorders, martial law and all these things. As a matter of fact, that Rowlatt Act which was ultimately a still-born one as a law had tremendous consequences as a measure fateful to the course of Indian history. I have often wondered why it was that the British Government tried to force this law on an unwilling people, if it did not mean to use it.

Now comes the relevancy of it all. We were all very glad to hear the assurances and hopes from the hon. Home Minister that possibly things will become so tranquil that this amended Bill, this Preventive Detention Act, will hardly require to be used in these two years to come. That is a consummation devoutly to be wished for, but I am afraid that the very passing of this Bill in the teeth of opposition, in the teeth of the united opposition of all the Members not belonging to Government, will have consequence, if this law becomes a dead letter. This Bill itself and the manner of its passing may have consequences similar to what happened in the case of the Rowlatt Bill though it was never used. I would therefore, ask, appeal and implore the Government to stop this—stop in the sense that you please withdraw the Bill even at this stage. It would create a tremendous impression in the country as a gesture of trust and confidence. There are other weapons in the armoury of Government. See what happens in six months. In six months' time if you find that a good im-

pression has been created in the country and there is no trouble, then you don't require this Bill. If, unfortunately, you don't find as much and your worst apprehensions come true and there is trouble, you have other weapons in your armoury ; and you can come to this Parliament once again, and say to us : 'Look here, we were right and you were wrong' and our mouths will be shut. I would therefore appeal to the Government once again to withdraw this Bill even at this late stage.

SHRI L. BOROOAH (Assam) : Mr. Chairman, Sir, from the debate that has been going on regarding the discussions on the Bill which has been brought before us since yesterday, I find that there are two opinions in this House. Some hon. Members hold that the continuance of this measure is necessary for the security and safety of the country, and on the other hand there are Members who think that the situation is not such as to warrant the continuation of such an Act. From the eloquent speech we heard from Diwan Chaman Lall yesterday and from the documents he placed on the Table of the House, we are led to think that all is not well in the South in Hyderabad and Saurashtra. From the arguments which Diwan Chaman Lall adduced and from my own personal knowledge I am definitely of the opinion that there is great necessity for the continuation of this measure in our country. Speaking from my personal knowledge of my State lying in a distant corner of India, i.e. in Assam I can say that there is necessity for the continuance of such a measure. From my experience of the situation in the two easternmost districts of India I would say that this measure should be continued. In those two districts of Assam there has been regular lawlessness. Officers entrusted with the duty of checking and preventing offences have been brutally murdered in cold blood. Not only office-s, but even the poor villagers who in the exercise of the right of peaceful citizens informed the authorities of the anti-social

activities were murdered in cold blood, and with dangerous weapons procured from unknown sources. In one of the districts—the district of Sibsagar—the situation went beyond the control of the civil authorities, and the ordinary law was found to be absolutely impossible of operation, and therefore the assistance of the military had to be resorted to and it was only by the intervention of the armed forces that peace could be restored in the district, and that too with great difficulty.

I also know from my knowledge that in those and other districts of the State of Assam dacoities take place for the purpose of financing the nefarious activities of the dangerous and antisocial elements.

I consider it necessary to inform the House of the strategic position of this part of the country. Assam is situated in the eastern-most corner of India and its main land is surrounded by hill tribes such as the Bhutias, Duflas, Akars, Abors, Mishmis in the North and the Nagas, Khamtis, Khasis and Jaintias, Garoseon, Mikirs in the South. Besides this, we have Pakistan on the south western side. In a State situated in such a strategic position such sort of lawlessness cannot be allowed to continue and I am glad that the Government of the State of Assam has recommended the continuance of the Preventive Detention Act.

Sir, it has been said that this is an unwanted measure and that the situation in the country does not demand the continuance of this piece of legislation. Sir, I have gone through the Amending Bill and I find that a lot of improvements have been effected on the original Act of 1950. Much of the inconveniences felt by detenus under the previous Act have been removed. From the perusal of Objects and Reasons, we find that the person suspected of being connected with antisocial activities could be detained under the previous Act for any length of time, according to the discretion of the authorities—the District Magistrate or Additional District Magistrate or other

officers entrusted with this power— but under the provisions of this Amending Bill this option has been taken away from the officers and it is obligatory under the provisions of the Amending Bill for them to send their report for approval of the State Government within fifteen days. From the date of arrest of the detenu as such the provision to a great extent removes the inconvenience generally felt by him. And then again there was no obligation on the part of the Advisory Committee to examine the detenu in person. But under the provisions of the present Bill it is made obligatory on the part of the Advisory Committee to examine the detenu in person if the detenu desires to be so examined. That again is a great advance over the previous provision. Another improvement is that while in the former Act there was no definite period for the detention and the detenu could be detained as long as the authorities considered it necessary in the present Bill the provision has been made that the detenu cannot be detained for more than twelve months.

I am glad to see that the Central Government did not want to rush this legislation through, although they had a majority and they had referred the Bill to a Select Committee composed of Members from both the Houses. I also find further that the major report of the Select Committee has made still improvements in the Bill. Now it has been recommended that the detenu shall be given the grounds or reasons of his detention within five days of his detention. Formerly, under the parent Act, there was no such provision. According to the provisions of the proposed Bill the district magistrate has to submit the case for approval of the State Government within fifteen days. The Select Committee has reduced this period to twelve days. That I consider improvement in favour of the detenu.

Under the provisions of the previous measure, the executive Government was given the option of sending such cases of detention to the Advisory Boards within six weeks. The Select

{Shri L. Boroohah.J

Committee has reduced this period to six weeks to thirty days. In this way much of the inconvenience which was felt by the detenus has been removed.

A further important change that has been suggested by the Joint Select Committee is that a detenu cannot be detained on the same grounds on which he was previously detained. Fresh facts must be stated under which it is considered necessary to detain a detenu after he is released in revocation, by the Higher Tribunals.

These are the several improvements made by the Amending Bill as well as the joint Select Committee and they have been suggested in favour of the detenu and much of the inconvenience, hitherto felt by him has been reduced by this Amending Bill. As I have said already, circumstances in the country generally, and in our part of the country particularly are such as warrant the promulgation of such an ordinance. I consider for the safety of the country, it is essential and therefore I wholeheartedly support the Bill.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh) : Sir, I would not have liked to take the time of this House because, so much has been said on either side and not much contribution really could or need be made, but for a few simple questions that I would like to put to those who have expressed views against the Bill, or should I say, a little loud thinking that I would like to do, because if I start putting questions it would lead to counter questions, replies and so on.

Sir, I wonder how anybody in all humility, in spite of the confidence one may have in one's thinking say that they, or he, alone can understand democratic principles ? Sir, after all, even the party which is in power today has fought for liberating India and has accepted this Constitution only because it understood democratic principles fairly well. So, from what they are doing today, one should rest assured that it is because it is absolutely necessary. Shall I ask those who disagree with the present Bill before us

what they would do if they had occasions; like deraider, arson, murder, etc., before them ? Would they try to apprehend the guilty people or would they wait till these things had been perpetrated. Would they, in the interests of peace and happiness; of the common man, for whom they are all working try to apprehend those who are suspected as being connected with these happenings. After all intention of a thing is a recognised principle of law and they arrest a detenu; and keep him in detention it is because of this suspicion of intention and, after that if nothing substantial is found there is provision for his release, within a certain period.

Sir, I would maintain that it is always easy to criticise from a distance when one has no power and when one is not entrusted with the responsibility of running the administration of a great country, I should call it, without a sense of responsibility ; but, after all, was not this Government of the people, blaming the British Government for many things: which, in the light of experience they had themselves to maintain ? For instance, so many resolutions were, also passed in women's organisations asking the British Government to remove army detachments from the Frontier as the poor tribal people were being bombed in and out of season ; but, now, when we ourselves have to run the Government not only do we find these things necessary but, without them there could be no peace in the country. So, in the light of experience when we have to run the Government, many things which we considered then unnecessary have to be done now and this Act, Sir, is one of the examples. Sons and children, or young people, who blame their parents for doing certain things which more or less curtail their freedom, themselves, when they come to that age, have to adopt the same policy and some of those who are parents today would realise this, if I were to remind them of the attitude, perhaps, they thought, was wrongly taken against their inter-caste marriage or other

questions by their parents. If they have now to decide, they would be reminded of what they thought was wrong to be done, but they have got to do.

Sir, I would like to ask those who differ from the principles of this Bill, when they are trying to attend federations, conferences etc., outside the country in Europe and perhaps in China, and others, in the interests of peace, is it not their duty to see that they themselves first set an example at home and try to co-operate with the Government in maintaining peace in their country ?

One objection to this Bill is about the duration of the Bill. I was sitting and listening to the debate and also reading accounts in the papers of the debate in the other House. One would almost shudder to think of the time of the House that would be taken every year if this Bill were to be for a shorter duration. What does it matter if the Bill remains there as a dead letter if there is peace in the country ? In that case, Government would itself come forward, as has already been mentioned that after 12 months the Home Minister would come forth with a resolution and recommend that this Bill be withdrawn. But, if people on the Government side or independent people who have spoken in favour of the Bill have not thought it in any way derogatory to their ideas of independence and freedom to allow the Bill as a measure of safety to remain as an Act, why should anybody else look upon it as a reflection on their own freedom. Sir, I would make another suggestion to those who oppose the Bill. Those of us who do not agree with the present ideology which the Government has and those of us who always look to England to give an example, because democracy has been copied from England should read the history of the bloodless revolution which England brought about in 1926.

SHRI ABDUL RAZAK : I would like to remind the hon. Member that the bloodless revolution simply followed the bloody revolution.

DR. SHRIMATI SEETA PARMANAND : I would not like to reply to this because that would only take away time. I would like to take this opportunity to mention that I feel, every time one speaks that one minute of this House means Rs. 31-5-0 to our tax-payer, and so I try to curtail my speech every time with brief sentences.

SHRI P. SUNDARAYYA : I would suggest cutting down the allowance to Rs. 10 per day.

DR. SHRIMATI SEETA PARMANAND : In connection with the bloodless revolution, if you were to look at the number of millionaires that were in England—it was something about 600 or 800 about a few years ago. That number has come within a 100. This has been achieved by death duties and other taxes. We stand for equalisation of classes. I would like to maintain here that even this Congress is really socialistic in principle but the Congress is trying to achieve it in a gradual way so that there is no sudden disruption of society. Getting things done by sudden disruption of society has been done in some countries but has not led ultimately to the happiness of the common man for whose happiness we have all tried to do what we can. It is not a prerogative of the opposition ; it is not a prerogative of the Congress either. All of us who have come here to the Legislature have only that object in view—happiness of the common man. I would therefore appeal to those who oppose these measures that they are not meant for anything but for the preservation of peace and order in the country so as to enable Government to go on with the measures that they have in view for the progress and happiness of the country. I appeal to the members of the Opposition, who have dedicated their lives to the service of this country, that they should co-operate with the Government in its new Five Year Plan which has cost so much money even to plan. There are so many people

[Dr. Shrimati Seeta Permaniid.] among them, who have wonderful capacity for organisation—nobody would deny that—and they have given ample proof of that, how, in spite of the meagre funds, they have achieved, according to their own ideology, what they have achieved. Let it be harnessed to a joint, constructive effort.

Lastly, I would like to say that here in this House many speeches are delivered. Sitting quietly and listening to them, I wonder whether if one tenth of all this energy is spent on the great cause we are all devoted to and on doing constructive work, we would not be achieving greater progress. They say that in Italy people are known to be eloquent, loquacious. There may be something in our climate which makes us more of talking machines than of working implements. Sir, there is no use praising other countries over the speedy - recovery which they have made. Let us learn from other countries. I would go on repeating the wonderful example of Japan how, when Hiroshima was absolutely destroyed, within a short period of a few years, under the very hilt of the enemy, it has been rebuilt actually, while we, in our country, find it very difficult even under a peaceful Government within a period of 40 years even to improve a small municipal town. It is no use reading papers and listening to lectures in Parliament if we are not going to profit by it.

I do not want to take up much time. I would only refer to one thing which I happened to be reading in this book called "The Soviets in World Affairs" by Louis Fischer. When Louis Fischer asked his Russian friend Chicherin to write a preface to this book, he wrote to him: "Nobody of us can write prefaces to this book. It is independent and it is impossible to write preface for a book where there is false information about Sow-jetgranaten." This, of course, says Louis Fischer in the Introduction, was a reference to my factual account of the arms traffic from Russia

to Germany in the twenties. Sir, if we are trying to achieve the happiness of the common man may I ask whether we can be really happy getting only bread and butter and equal number of clothes without any freedom of thought, and when we have to move about, without being able to think freely,—moving like animals?

SHRI S. BANERJEE (West*Bengal): Mr. Chairman, I remember this day—the 9th day of August, the day on which exactly ten years ago, the people of India under the leadership of the Congress and Mahatma Gandhi made the supreme bid for liberty and it is by a curious irony of history that on this very day we are called upon to consider a Bill which seeks to deprive us of that liberty. I oppose the Bill because it is negation of law,—perhaps the Government is prompted and actuated by the age old maxim, 'Necessity knows no law.' I would have been glad and appreciated it if the Government had made a frank confession of it. I oppose it because it is an arbitrary piece of legislation under the insignia of freedom. I oppose it because no such urgency as was shown by the late Vallabh-bhai Patel and Shri Rajagopalachari in 1950 and 1951 has been shown for this measure. I oppose it because it is wholly wrong in principle, unsound in its conception, and too sweeping, too terrible, too dangerous and too comprehensive in its operation. I oppose it because it is a great menace to public liberty and a serious encroachment on the democratic rights of the people. I oppose it because it is a wrong remedy for the disease. I go further; the remedy is worse than the disease. I oppose it because unlimited powers in the hands of the executive authority, deliberating in secret, discussing in secret and deciding in secret, are liable to be abused, as it has always been done in the past. I oppose it because no other country in this world has any measure of this kind on its statute book. I oppose it because the time is inopportune—there is no emergency, there is no unrest, there is no disturbance of peace in any part of the

country. I oppose it because it makes the ruler a tyrant and the ruled a rebel. I oppose it because, however loudly the Home Minister may picture that this Bill will not be allowed to be operated against political parties, our experience in the past has shown that that is exactly what has been done and I have no doubt it will be done also now and in future. I oppose it because discretionary authority at the hands of the Government, to quote Professor Dicey, must mean insecurity for legal freedom on the part of the subjects.

Sir, Divvan Chaman Lall, the redoubtable champion of liberty in 1929, whom I do not see here today, with his usual eloquence tried to make us believe that 1952 is not 1929 and that a change has come over now that the Congress has taken the reins of the Government, and any attempt to subvert the present Government is an act of treason and disloyalty to the nation. What has been the change, may I ask in all humility, in all sincerity and with all the earnestness at my command? What has been the change? The change, if there is any, is that old wine has been put into a new bottle; and if I may use a Shakespearean phrase, on the throne of the tyrant duke has been installed the tyrant brother. The tyranny is the same; the tyrant has changed. The skin has altered, but the spot remains. Am I to understand, am I to take it that under the aegis of this tyrant brother all values have undergone a radical transformation and that injustice has become justice, falsehood truth, darkness light, ignorance education, scarcity plenty, disease health, and slavery liberty? I cannot, I will not believe that. Men like Diwan Chaman Lall and institutions like the Congress may apostatise, but the cause will live and endure for ever.

We have known that nothing succeeds like success. But the Congress has taught us a new lesson. It has amply demonstrated and abundantly shown that nothing fails like

success. When freedom was within easy reach, when real freedom was within an ace of success, the Congress leaders lived by the prospect of power failed. They fumbled and floundered and ended in complete and abject surrender to the British, who, knowing that their days were numbered, made to their eternal credit, the transfer of power on their own terms a virtue of necessity.

This brings me to the Constitution which has embodied this transfer of power and which the hon. the Home Minister invoked while he moved his motion. The Constitution provides for preventive detention. The Constitution denies the detenus a right to consult and to be defended by a lawyer of his own choice. The Constitution prescribes the composition of the Advisory Boards. He cannot go against it. All true. I quite agree. But in the same breath he asked us to change the Constitution. Perhaps he made this suggestion knowing fully well that it was well nigh impossible to change the Constitution. I will quote Ivor Jennings, one of the greatest constitutional experts of the present day. In an article in "The Manchester Guardian" just after the Constitution of India came into force on 26th January 1950, he says:

The Constitution is a permanent arrangement designed to last for all time."

In fact, it will not be easy to mend it. A cursory glance at article 368 of the Constitution will convince every Member of the House of the truth of the remarks of Professor Jennings. It is not for nothing, therefore, that there is a considerable volume of opinion in this House as also outside which holds that the present Constitution is a new charter of slavery, designed to perpetuate the domination of the people of India by the exploiters, by the present rulers, and should be immediately substituted.....

SHRI GOVINDA REDDY : You have sworn allegiance to it.

SHRI S. BANERJEE : "...by a constitution which will essentially vest all power in the representatives of the workers in the fields, factories and elsewhere, to quote the Resolution of 9th August 1942 ; "and thereby I put an end to all exploitation of the Indian people". I hope that the hon. the Home Minister, who asked us to change the Constitution } before asking for withdrawal of or a change in the Bill will help us in the | matter. Let him take the initiative of changing the Constitution. The hon. Minister also referred to the history of the Preventive Detention j Act after 1946. If he would go a ! little further back, he would have ! found that there was a periodicity j in the recurrence of this phenomenon, i In 1919 there was the Criminal Law Emergency Powers Bill. In 1929 there was the Public Safety Bill. In 1939 there was the Defence of India Bill. On every occasion leaders of public opinion in and outside the l Legislature rose to a man against these arbitrary and despotic measures. He would have found further that the second stage of freedom's battle began under the leadership of Mahat-maji with a countrywide agitation against the Rowlatt Act to which my hon. friend Dr. Devaprasad Ghose referred, and to which the present Bill bear a close family resemblance, culminating in the Jalianwala Bagh massacre on April 13, 1919, and preparing the ground for Gandhiji's historic programme of progressive non-violent non-co-operation in 1920. If the people rose at that time to a man under the leadership of Gandhiji, the people of India today may find their own leader and rise to a man against it | and proclaim the eternal truth that a Government against which a claim of liberty is tantamount to high treason is a Government to which submission is akin to slavery.

I shall be failing in my duty if I did not refer to what the hon. the Home Minister said with regard to Sir John Simon's remarks at the time of the general strike in England in 1926. He tried to mislead the House by

saying that the people of England were law-abiding and no sooner had Sir John Simon said that the general strike was illegal than the people of England obeyed it and called off the general strike. Sir, this is not true and things are not so simple as the hon. Home Minister has made them appear to be, I am quoting from a book "British Trade Unionism" by Allen Hutt, published in 1952. There, it is said |

"Yet the Government's provocative action — the array of military force, the suppression of conciliatory move on its own side, Sir John Simon's laughably bad legal threats, the orgy of police batoning, wholesale arrests and gaolings on the flimsiest pretexts—where enough to show that its position was far from being as strong as its propaganda ceaselessly and loudly pretended."

What then led to the calling off of that strike ?

"It seemed that the only desire of some leaders was to call off the general strike at any cost without any guarantees..... "

That led to the calling off of the general strike, and not the legal opinion of Sir John Simon, on that fateful day.

I am afraid my time is up, and I will not take up the time of the House longer. I will not set a precedent for indiscipline in this House. Therefore, whatever I have to say on the clauses of the Bill I shall reserve for the future when the clauses come up for consideration.

12 Noon.

Sir, we are all lovers of liberty. Irrespective of party, we all have worshipped in the temple of liberty so long. Let us then know our interests and duty better. Let us wish for nothing but to breathe, in common with our fellow countrymen, the air of liberty. Let us not remain satisfied till the poorest cottager feels the glow of freedom. Let us have no ambition unless it be the ambition to break the present chain of bondage and sing the song of liberty and freedom and lay the foundations of a free India in which the development of each will be the condition for the development of all.

SHRI V. G. GOPAL (Bihar) : Mr. Chairman, Sir, I can understand that this Bill has received a lot of attack from the Communist side. The hon. Member Mr. Sundarayya states that it is a black Bill and it is used for suppressing the revolt of the peasants against this Government which is bureaucratic and not for the peasants and workers of this land. He has also said that this Bill was being used in the past and will be used in future also against the trade union workers. I can understand, Sir, their anxiety to see that this Bill is not passed. We have just heard from the hon. Members from Assam and Rajputana how lawless conditions are prevailing in these two parts of India. Mr. Sundarayya himself let the cat out of the bag when he said that his party was not prepared to stop the guerilla warfare in Hyderabad. *(Interruption).*

MR. CHAIRMAN : He said that his Party was not prepared to surrender arms.

SHRI V. G. GOPAL : That amounts to the same thing. Then again, Sir, he has mentioned that under certain conditions only he is going to appeal to his party to stop violence. *(Interruption.)* Government has to accept certain conditions of that Party. *(Interruption.)*

They have all along been using the trade union platform not for the benefit of the workers and of the factories but for the purpose of their political party. Yes, Sir, I can understand that the trade unions cannot be separated from these political activities. These two things are part and parcel of each other. But they can preach their political views in a non-violent way, in a constitutional way. But unfortunately these people want to preach violence. They do not want that our factories and industries should run smoothly and that there should be more production. They know that more production in this country means less poverty and less poverty means that the people will be law-abiding and they will love the country. But if there is no production, if there is scarcity everywhere, then

this party, can thrive very nicely. That is why they have made two-sided attacks. One on the workers' side and on the factories' side and the other on the agrarian side. On the agrarian side they are organising peasants. What are they doing ? They are going to the peasants and they are inciting them. They tell them that they should not give their excess paddy to the Government and they should not part with it and if they do that, they will not get fair terms from the Government. Let there be chaos in the country and if there is chaos in the country, well, their object is achieved. This is exactly what this party intends to do. Sir, I know how this party has been systematically using the workers against this Government. Sir, in 1949—Mr. C. G. K. Reddy will bear me out—there was an intention on the part of the All India Railway-men's Federation to go on a nationwide strike. A reference was made to all the unions in India—the railway unions. The tempo was raised systematically. Ballots were taken and then the majority said that they want a strike. Then a date was fixed for the proposed strike. The Ministers from the Government side tried their best to convince Shri Jai Prakash Narain, the President of the Federation, that what he was contemplating doing was not good. The strike is going to completely crush down and paralyse this Government. There will be chaos in the country. There were famine conditions in the country. Foodgrains were being received at various ports and a Railway strike means that these foodgrains cannot reach the men who are going to starve. Shri Jai Prakash Narain understood the argument of the Government. Better sense prevailed upon him. He convened a meeting of the General Council and passed a resolution by a majority that the proposed strike will not be held. But, Sir, what happened to the organisations, the trade union organisations, controlled by the Communist Party ? They refused to obey the mandate. They organised a strike everywhere. They went to the length of issuing circulars for sabotaging the railway system. This was the position, Sir.

[Shri V. G. Gopal] Again take the example of Jamshepur. There was some grievance of the workers. The Union which commands the majority view was negotiating. Communists went round and instigated the workers and made them to resort to violence. What happened? I was with a group of workers. The quarters were surrounded. I saw one man who was in front and who was shouting at the top of his voice. That gentleman was saying: "I am hungry. My children are hungry. My wife is hungry. And see how they are living. They are living in such comfort. They are living in air-conditioned houses. Give us food." And behind there were 100 or 200 people. I immediately recognised that gentleman. I knew that gentleman was a bachelor. He had no children. He had no wife. Still he was shouting: "I am hungry. My wife is hungry. My children are hungry." This is the work of provocateurs. They want to provoke the people and instigate them and see that this country is reduced to a chaotic condition and anarchy.

What happened in Bombay? In 1950, the textile mill owners gave two months' wage bonus to two lakhs of their workers. The Socialist and the Communist unions did not like it. They wanted it to be referred to the Tribunal. The Tribunal said that what was given was correct. The I.N.T.U.C. Union had accepted the bonus award, but the Socialist and Communist unions had refused to accept it. They went to the Appellate Tribunal. The Appellate Tribunal upheld the lower Tribunal's award. But the Socialist and Communist unions would not accept the award. They went on strike. Believe me, about 2 lakhs of textile workers went on strike. For what? To see that two months' wages as bonus was raised to whatever those unions liked. They wanted to raise the bonus. What happened? They struck for two months. After prolonged strike, they went back to work. Violence was reported to. Tram cars were pelted with stones,

Workers who wanted to go to work were assaulted. They do not like those people who want personal liberty to go to work. For the sake of two months' basic wage bonus, they lost two months' gross earnings. And in two months, crores of rupees were lost to the country. India lost in millions and millions of yards of cloth. India lost a great amount of revenue. There was scarcity of cloth everywhere. What happened? These Communist friends went about the country, from north to south, from east to west, saying, "See what the Government is doing. They are not giving any cloth. There is no cloth for you. You are naked. The price of cloth has gone up. It is because of the scarcity that Government has created." That scarcity of cloth was created by the workers going on strike. How can we get cloth unless they all earnestly put their shoulders to the wheel and produce more cloth? In Russia, what do they do? They ask people to put their shoulders to the wheel and produce more. If they do not produce more, they are threatened and shot or sent somewhere, to some remote area. Here these people do not allow workers to produce more. Unless we produce more and more, we can do nothing. Production is everything—production in workshops, production in fields, production everywhere. You must produce. Then only will our country survive. Sir, how can you have production under these conditions, if this is the attitude of some of these parties? These parties do not direct their efforts towards improving the economic condition of this country. What happened in Dalmianagar? There was a strike. I do agree that if the workers' legitimate demands are not satisfied, they must go on strike. But, Sir, where is the need to burn away the godowns containing paper? Thousands of tons of paper were burnt away in the godowns. Let them adopt constitutional methods for getting their rights. This violence, this instigation of poor innocent people, is not going to be for the benefit of this country. It is very harmful for us

SHRI M. MANJURAN : Is this a law against strikes ?

SHRI V. G. GOPAL : It was Mr. Suncktrayya who said that this law is going to be used against the trade unions. I don't say that.

MR. CHAIRMAN : Come to the Bill.

SHRI V. G. GOPAL : Sir, this Bill has made an appreciable advance over the original Act and the first Amendment Act. Many concessions have been given. There are many minor things which I do not wish to talk about. But there are two or three very important things. As Pandit Kunzru has said, the first thing is that this assures to the detenu the right to appear before a Tribunal. Then again, the Tribunal has been given the right to call for any person who has got any connection with the detenu's case through the appropriate Government and hear him. This is also very important. Thirdly, the Chairman of this Tribunal is going to be in future a High Court Judge or one who has been a High Court Judge. Three High Court Judges and experienced Judges there will be, and they can very well go into the detenu's case and decide whether it is a case for confirming the order or a case where the detenu should be released.

Then, Sir, our Government has got many problems now. These problems are the security of the country, the refugee problem and the problem of Kashmir and Pakistan. Then there are problems on the eastern border, where through Burma there is every chance of Communists infiltrating and creating trouble in Assam. Already there is trouble in Assam. They are exporting arms there. Then they have got trouble in the various other states. Our Government have also to see that the various big projects they have undertaken are fulfilled, projects like the Damodar Valley, the Hirakud, etc. At the same time they have got to consider their obligation to the people of this country, the people who have selected them to form this Government,

to see that they are saved from internal trouble and external aggression.

Lastly, Sir, some one said that our Prime Minister, Pandit Jawaharlal Nehru, is not a democrat. In this connection I would like to ask one or two questions : Was it not our Prime Minister who fought for China getting her rightful place in the United Nations ? Was it not our Prime Minister who fought for Indonesian independence ? Is it not our Prime Minister who is taking up the Tunisian question now ? Then, Sir, how can you say that he is not a democrat and wants to take away the civil liberties of the people ? If these people are to be detained under this Act, it is because this country has to be saved so that democracy in the world can flourish and peace and order maintained in the world.

SHRI P. C. BHANJ DEO (Orissa) : Mr. Chairman, Sir, from time immemorial our people have been lovers of freedom and democracy. Not only from the period of the Buddha but long before the period of the Buddha, from the Vedic times, we have had bicameral legislatures, in which the popular House was called the *Samiti* and the Council of Elders was called the *Sabha*, and both these Houses were called the daughters of Prajapati, the spirit of the Demos. As early as the fourth century B.C. the Greek Ambassador Megasthenes reported that in India the average man did not know how to bow down or to kneel down. They even greeted their kings in the ordinary way as they would greet any common man, normally by raising the right hand. All these things go to show the inherent love for freedom and democracy that is embedded in the psychology of the Indian people. It is on this basis that our present efflorescence, the Indian Constitution, and our democratic legislatures have come to life after much struggle, much difficulty and much sacrifice. Therefore, Sir, it is only to be expected if certain sections of the Opposition show a great deal of emotion and are impatient when this dearly earned liberty and the cherished institutions of democracy are threatened in

[Shri P. C. Bhanj Deo.] any degree. Now, Sir, I have nothing very much to say about the details of the Bill which is before the House.

SHRI GOVINDA REDDY : No more research ?

SHRI P. C. BHANJ DEO : Many points have been mentioned by other speakers. I should say at the very outset that I am opposed to the very principle of this Bill. The four great institutions laid down by our Constitution are Justice, Liberty, Equality and Fraternity, and the entire Constitution and its various provisions are to be interpreted in the spirit of that foundation. That foundation again has to be interpreted according to the Ethos of the whole nation, in my opinion in the spirit of the formula which led to the independence movement, which gave an impetus to the independence movement, and that was the great formula of 'Vande Matram'. From time immemorial, our epics have laid stress on that point :

“ जननी जन्मभूमिश्च स्वर्गादपि गरीयसी ”

"The mother and the motherland are greater to us than heaven itself."

It is, in my opinion, in this spirit that these great institutions of the Constitution should be interpreted, viz., that Justice should connote the justice of the mother to her children, of Mother India to us all ; Equality should connote the equality of all the sons of India in the eyes of Mother India ; and Liberty should also be the liberty granted by a loving mother to her children, whereas fraternity comes by itself; fraternity consists in our consciousness that we are the sons of that one Mother and should love one another like brothers. It is upon these foundations and this outlook that the whole Constitution is based and all its sections should be interpreted in my opinion. This law which is brought to us today seems in my eyes and in the eyes of others—although one section of my brethren may hold another point of view, I don't deny—in our eyes it seems to go against that very principle of motherly love for her children,)

of that motherly consideration for her children whether they be virtues or whether they be weaknesses :

“ कुपुत्रो जायेत क्वचिदपि कुमारी न भवति ”

"A son may be a bad son but the mother-can never be a bad mother."

It is from this point of view that I would like to submit to the hon. Home Minister, who, I know, is a very great devotee of the mother, in the name of Mother India, I would like to submit to him that the remedy for violence and evil is not the path of violence and evil but the path of patience, tolerance, sympathy, and goodness. It is that great message which the Father of the Nation has taught us and it is that great message which we should put into practice in our lives today and in our acts, in our new Constitution and our new Republic. It was suggested to me by some friends of mine that this legislation is like the acts of benevolent parents who knowing the naughtiness of the children, want to shut them up for a short time as a form of benevolent punishment, so that they can cure them of their evil habits. Sir, I would only like to submit that modern child—psychology goes against this facile interpretation because modern child—psychology tells us that inhibitions and repressions always create complexes and distortions in the victim and that by inhibiting anything, by repressing anything we shall only be creating monsters and not reasonable human beings. If there is any aberration today in the Indian social life, if there are people who are resorting to violence, who are resorting to other types of forces that we cannot sympathise with or that we cannot condone, then I would like to submit that those forces have risen up because of similar forces which have brought them to life and that the only way to eradicate those irregularities, those aberrations from our society, from the life of our nation permanently, is to treat them in a psychological and sympathetic manner so that there will be no chance of their rising again.

My second point is that at the base of all Constitutions and all laws, there is an overweening law called the moral law and any law or any provision which offends against that moral law is automatically *ultra vires* in spite of all the sovereignty and all the power that we can boast of. That point is very succinctly put in our own law books as follows :

“ सर्वं भूतेषु चात्मानं सर्वं भूतानि चात्मनि ।
परिपश्यन्नात्मयाजी स्वाराज,मधिगच्छति।।”

"Swing the self in every one and seeing every one in the self, the sacrificer of self attains the Kingdom of Heaven."

That in my opinion is the great j nationalism of India with an international bias and in my opinion this Bill and this enactment opposes that principle. Sir, this session of the Council of States started on a very I memorable day, as Members may remember viz., it was the day of the fall of the Bastille, the Bastille which stood for imprisonment without trial in a regime of autocratic injustice. In that connection I will only quote to the House the saying -of a great French patriot, viz., Danton :

" Que mon nom soit fletoit
Que la France soit liboe. "

"Let my name crumble to dust but let France be free."

Today that saying finds an echo in my heart. " Let our names crumble to dust but let India and the Indians be really free." It is with these words that I oppose the Bill with heart, soul and body. Vande Mataram.

SHRI INDRA VIDYAVACHAS-PATI
(Uttar Pradesh) :

श्री इन्द्र विद्यावाचस्पति (उत्तर प्रदेश) :
सभापति महोदय, जब से इस बिल पर इस सदन में और लोकसभा में बहस शुरू हुई तब से यह देखकर आश्चर्य और दुःख हुआ कि इस बिल पर जो बहस की जा रही है, उसमें बिल पर पार्टी के आधार पर विचार किया जा रहा है। जितनी बहस यहां पर इस बिल पर की गई

है उसके ज्यादा हिस्से में पार्टी का नाम लिया गया है। जहां आक्षेप किए गये हैं वहां यह भी कहा गया है कि किन किन पार्टियों और कई पार्टियों को दवाने के लिये यह बिल है। तब उसके समर्थन में कहना पड़ा कि इसका मूल कारण पार्टियों का दोष है न कि इस बिल में कोई दोष है।

[MR. DEPUTY CHAIRMAN in the Chair.]

मैं आपसे यह कहना चाहता हूँ कि इस बिल पर विचार करते समय आप अपने आपको पार्टी के ब्याल से ऊंचा उठाइये। इस बिल का उद्देश्य क्या है? इस बिल का उद्देश्य यह है कि हमने जो स्वतंत्रता प्राप्त की है, जो जनतंत्र स्थापित किया है, डेमोक्रेटिक गवर्नमेंट (Democratic government) स्थापित की है, उसकी रक्षा के लिये हम एक साधन और हथियार अपने पास रखें। जैसे एक खेत तैयार होता है, यह नया खेत तैयार होता है, उसकी रक्षा के लिये हम चारों ओर से बाड़ लगा देते हैं ताकि बाहर से आकर कोई जानवर उसको नुकसान न पहुंचा सके, वह बाड़ उस खेत के लिये एक पहरेदार का काम करती है, उसी तरह से हमारी नई स्वतंत्रता के लिये खेत की बाड़ की तरह किसी साधन की आवश्यकता है जिससे कि वह उसकी रक्षा कर सके। इसलिये हमारे पास इस तरह के हथियार और औजार होने चाहियें, जिससे दुश्मन से उसकी रक्षा कर सकें। यह बिल इसी अभिप्राय से बनाया गया है। हमें यह देखना है कि हमारा यह अभिप्राय पूरा होता है या नहीं। मैं आपसे कहता हूँ कि आप अपने आप को एक मेम्बर समझ कर इस बिल पर अपनी राय न दें बल्कि आप यह समझें कि आप लोग उस जगह पर बैठे हैं जिस जगह पर इस समय डाक्टर काटजू साहब बैठे हुए हैं।

इस समय डाक्टर काटजू का यह कर्तव्य है कि वह इस नवप्राप्त स्वाधीनता की रक्षा करें जो हमने अभी अभी प्राप्त की है। उसी की

[Shri Indra Vidyavachaspati]

रक्षा के लिये वह आपसे इस तरह का साधन मांगते हैं जिससे कि बाहरी और अन्दरूनी दुश्मनों के आक्रमणों से उसकी रक्षा की जा सके और वे किसी प्रकार से उस पर कोई आक्रमण न कर सकें। बाहर के दुश्मनों से सामना करने के लिये हमारे पास फौज है, मगर अन्दरूनी दुश्मन का मुकाबला करने के लिये हमारे पास हथियार होने चाहिये। वह हथियार क्या होना चाहिये। वह है यह बिल। हमें देखना चाहिये कि क्या यह कानून हमारी मदद करता है और इस देश को अन्दरूनी दुश्मनों के आक्रमणों से बचाता है। हर एक पार्टी के मेम्बर को इस नीति को ध्यान में रखते हुए इस बिल पर विचार करना चाहिये। पार्टी के ख्याल से इस बिल पर विचार न किया जाय। मगर मैं आप लोगों से यह कहना चाहता हूँ कि आप इस पर इस तरह से विचार करें कि अगर किसी पार्टी में से एक आदमी को डाक्टर काटजू की जगह पर बैठा दिया जाता तो उस स्थिति में वह क्या करता। मैं आपसे कहता हूँ कि वह इससे भी सख्त बिल हम लोगों के सामने लाता। वह अपने ऊपर एक बोझ समझता कि किस तरह से इस देश की रक्षा को व्यवस्था को जाय। अगर किसी पार्टी के लीडर (leader) को प्रधान मंत्री का भार दिया जाता और उसके ऊपर देश की रक्षा का भी बोझ डाल दिया जाता, तो मैं समझता हूँ कि उसको इससे भी ज्यादा बड़ा कानून बनाना पड़ता।

यहा पर यह भी कहा गया है कि अब लोग इस तरह की कार्रवाई नहीं करेंगे, जिस से कि देश की आछादी को खतरा हो। तो मैं आप से कहता हूँ कि इस कानून को बनाने की आवश्यकता इसलिये हुई कि जितनी भी राजनीतिक पार्टियां हैं उन में समझदार आदमी भी होते हैं और नासमझ आदमी भी होते हैं, जिस तरह से किसी शहर के अन्दर भले आदमी भी रहते हैं और बोर भी रहते हैं, जो शहर को नुकसान

पहुंचाने वाले होते हैं। यह कानून भी उसी तरह के लोगों के लिये बनाया जा रहा है जो इस देश की स्वाधीनता को नुकसान पहुंचाने वाले हैं, इस देश के जनतंत्र को नुकसान पहुंचाने वाले हैं। जो खेती करता है, वही उसके बारे में जानता है कि किस तरह से उसको सफल बनाया जा सकता है। इसी तरह आज हमारे काटजू साहब के पास इस देश की रक्षा का भार है और वह इस भार को पूरा उठाने के लिये इस साधन की मांग आप लोगों से कर रहे हैं। चाहे कोई भी पार्टी पावर (power) में होती, वह इस प्रकार के कानून की मांग करती। मगर आज काटजू साहब सब पार्टियों का बोझ अपने सर पर लिये हुए हैं। तब हम सब लोगों का यह फर्ज हो जाता है कि हम उनको हर तरह की मदद दें। इस बिल के बारे में खूब अच्छी तरह से सोचें और जो अत्यन्त आवश्यक सुधार है, उनके बारे में उनका ध्यान आकर्षित करें।

अभी हमारे कुछ साधियों ने कहा कि इससे स्वाधीनता का नाश होता है, हमें आज जो स्वाधीनता मिली है वह किसी एक की स्वाधीनता नहीं है, वह सारे हिन्दुस्तान की, सारे भारतवर्ष के करोड़ों भारतवासियों की स्वाधीनता है। वह एक या दो आदमियों की स्वाधीनता नहीं है। जब चोर किसी शहर में चोरी करता है या किसी तरह का नुकसान पहुंचाता है तो उस समय सारे शहर की स्वाधीनता को खतरा हो जाता है। किसी एक या दो आदमियों को ही खतरा नहीं होता। उस शहर की शांति के लिये उस चोर को पकड़ा जाता है और उसके हथकड़ी डाल दी जाती है। तो मैं आपसे कहता हूँ कि जब आप स्वाधीनता की बात कहते हैं तो आप करोड़ों भारतवासियों की स्वाधीनता की बात सोचकर कहें। यह कानून जो बनाया जा रहा है, वह शान्तिप्रिय लोगों के लिये नहीं है बल्कि जो कुछ लोग देश की शान्ति को भंग करते हैं, उनके लिये बनाया जा रहा है। चाहे वह किसी भी पार्टी के आदमी क्यों न हों।

माननीय सदस्यों में से किसी एक ने कहा कि इस तरह के कानून की जरूरत नहीं है और सरकार को बगैर कानून के ही देश का काम चलाना चाहिये। तो मैं उनसे कहता हूँ कि वह कौन सी गवर्नमेंट है जहाँ बगैर कानून के राज्य का कारोबार चलता है। जहाँ बगैर कानून के कोई सरकार होगी तो वहाँ पर एकतंत्री सरकार होगी, एकसत्तात्मक सरकार होगी। जहाँ कानून नहीं रहेगा वहाँ एकसत्तात्मक राज्य होगा। अभी मेरे एक माननीय मित्र ने कहा कि हमारे वेदों में प्रेम ही प्रेम है, उनमें कानून की कोई चर्चा नहीं है। उन्होंने..

SHRI P. C. BHANJ DEO : There is no difference of opinion about the Vedas. I was only referring to the basis of this legislation.

SHRI INDRA VIDYAVACHAS-PATI :

श्री इन्द्र विद्यावाचस्पति : उन्हें एक ही बात याद दिलाता हूँ। मनुस्मृति में लिखा है कि : "दण्डः शास्ति प्रजाः सर्वाः दण्ड एवाभिरक्षति" कानून से ही प्रजा पर शासन किया जाता है, और कानून ही प्रजा को ठीक रास्ते में रखता है। होना यह चाहिये या कि तलवार की जरूरत न हो। लेकिन मनुष्य की ऐसी प्रकृति बनी हुई है कि कानून के साथ साथ तलवार की भी जरूरत रहती है। लेकिन हाँ, यह आपका कार्य हो जाता है कि तलवार का अच्छी तरह से उपयोग किया जाय या नहीं। जैसा मैंने आपको बतलाया है कि एक देश की रक्षा के लिये तलवार की जरूरत होती है। आपके पास तलवार है या और कोई हथियार है, और वह मियान के अन्दर बन्द है, यह आपका कार्य है कि उस तलवार को तब तक उस मियान से न निकाला जाय, जब तक कि दुश्मन आपके सामने न आ जाय और आक्रमण न करने लगे। लेकिन यहाँ पर यह कहना कि इस कानून को पास न किया जाय, बिल्कुल गलत है। मेरे एक भाई ने कहा कि यह कानून बेजा कानून है और इसको पास करना अन्याय है।

मैं इसको नहीं मानता। इस कानून के ज़रिये किसी के साथ अन्याय नहीं होता है। अन्याय के खिलाफ़ पूरा प्रहार होना चाहिये, लेकिन आज जो यह कहते हैं कि इस कानून को नर्म किया जाय, यह कानून नहीं होना चाहिये तो यह बात गलत है। मैंने जो दृष्टान्त दिया है उसको लीजिये। मेरा कहना है कि तलवार को मियान से तब तक बाहर न निकाला जाय जब तक कि दुश्मन पहिले प्रहार न करे, जब तक दुश्मन सामने न आ जाय। परन्तु कानून जरूर होना चाहिये और ऐसा होना चाहिये जो कि मजबूत हो, जो राज्य को उसके पलटने वालों से बचा सके और उनके हाथों से उसकी रक्षा कर सके। ऐसा कानून नहीं होना चाहिये जो वक्त पर देश की रक्षा न कर सके।

यह कहा गया है कि इसमें संशोधन किया जाय। बहुत से संशोधन तो डाक्टर काटजू साहब ने स्वीकार कर लिये हैं। लेकिन कुछ ऐसे संशोधन भी हैं जिनको स्वीकार किया जाना उचित नहीं है। एक सज्जन ने यहाँ पर यह कहा कि जो संसद् के सदस्य और लेजिस्लेचरों (Legislatures) के माननीय सदस्य हैं उन पर यह कानून नहीं लगना चाहिये। जो सज्जन इस तरह का सुझाव यहाँ पर रखते हैं वह न्याय नहीं कर रहे हैं; वह एक असंगत बात कहते हैं। जब कोई कानून बनाया जाता है तो वह सब पर लागू होना चाहिये। अगर कोई खराब काम करता है, तो उसे अवश्य दण्ड मिलना चाहिये। अगर कोई भला आदमी खराब काम करता है तो उसे और भी ज्यादा दंड मिलना चाहिये। मुझे यह बात असंगत मालूम होती है कि जो आदमी जिम्मेदार है, कानून बनाता है, वह यह कहे कि वह मुझ पर लागू न हो। मैं यह नहीं कहता कि उनके लिये कोई कड़ा कानून बनाया जाय, लेकिन मैं जरूर कहता हूँ कि अगर कानून के सामने, जज (Judge) के सामने कोई संसद् का या प्रान्तीय लेजिस्लेचर का मेम्बर किसी बुरे काम में पकड़ा जाता है तो उसकी और भी ज्यादा सजा मिलनी चाहिये, क्योंकि वह

[Shri Indra Vidyavachaspati]

समझदार होते हुए भी बुरा काम करता है, समाज का एक जिम्मेदार आदमी होते हुए भी इस तरह के बुरे कार्य में पकड़ा जाता है। संभावित यह राय होगी कि वह एक जिम्मेदार आदमी है और फिर भी बुरा कार्य करता है, तो उसको ज्यादा सजा मिलनी चाहिये।

मैं इस मुद्दाव को नहीं मानता कि संसद का मेम्बर हो या प्रान्तीय लेजिस्लेचर का मेम्बर हो, उसको इस कानून से छूट दे दी जाय। यह तो बिल्कुल अफ़्सास है। इसका मतलब तो यह हुआ कि आप एक ओर तो इस कानून को देश के लिये जरूरी समझते हैं और दूसरी ओर लोगों को छूट दी जाती है, यह बात युक्तिसंगत नहीं है। अगर आप इस तरह मुद्दाव पर अमल करते हैं, तो फिर इस बिल को पास करने का कोई अर्थ ही नहीं रह जाता है।

अभी एक सज्जन ने यहां पर यह कहा कि यह कानून पार्टी की भावना को रख कर बनाया जा रहा है, उस पार्टी को नुकसान पहुंचाने के लिये बनाया जा रहा है और इससे बहुत खराबी पैदा होगी। पहिली खराबी यह पैदा होगी कि अगर वह पार्टी यह कहकर इसका विरोध करे कि यह हमारे दमन के लिये बनाया जा रहा है, तो यह युक्तिसंगत बात नहीं है। इसका मतलब यह है कि एक पार्टी यह समझती है कि उसको ही कानून की जद में लिया जा रहा है। मेरे ख्याल में यह धारणा गलत ही है। एक सज्जन ने कहा कि हमें आशा है कि अगले साल हमारे होम मिनिस्टर साहब (Home Minister) को यह बिल दोहराना नहीं पड़ेगा, फिर से पास करना नहीं पड़ेगा, लेकिन जब विरोधी सदस्य यह कह कर विरोध करते हैं कि हमारे दमन के लिये यह बनाया गया है तब जरूरत मालूम होती है कि यह रहे। यदि हम यह सोच लें कि यह तो उन लोगों के लिये है जो कि जाति के लिये, कानून के लिये और देश के लिये अपराधी हैं

आर यह हमारे ऊपर लागू नहीं होगा, तो संभवतः अगली बार इसके लाने की जरूरत नहीं रहेगी। इसका विरोध किया जाय और अगली बार जब फिर यह पेश हो, तो पुनः विरोध किया जाय, तो फिर जो भी होम मिनिस्टर होंगे, उनके लिये आवश्यक हो जायेगा कि इसे पेश करें, क्योंकि देश को ऐसी जरूरत है और रहेगी।

इतना निवेदन करने के पश्चात् मैं पुनः अपने सभी सदस्यों से यह प्रार्थना करना चाहता हूँ कि वे पार्टी की भावना से ऊंचे उठ कर इस पर विचार करें, हर एक अपने आपको डाक्टर काटजू की जगह पर बैठा कर वोट दें और अपने आप को विरोधी समझ कर वोट न दें।

[For English translation, see Appendix II, Annexure No. 87.]

DR. R. B. GOUR (Hyderabad) : Mr. Deputy Chairman, Sir, I rise to oppose this Preventive Detention Bill that has been placed before us in toto, every full stop, comma, semi-colon and everything that is there, because these Treasury Benches***** , with the help of this police Bill want to suppress the people of India, suppress the democratic parties, the opposition parties in the country. That has been the use of this Bill ; that has been its use all along the line ; it is for that purpose that the Bill has been brought in. They say that there has been certain misuse of the Bill or abuse of the power. No, that is the only use that the Congress Government has of this Bill. That is why I say that this Bill is being brought in here again.

I oppose this Bill because it strengthens not the forces of democracy and peace, but it strengthens the forces of warmongers, the forces of Imperialism.

Well, coming to the working class of India that has faced this Bill all these four years : just now, Sir, my hon. friend on the other side has said that there are certain people who are instigating workers to strike. He says Socialists have done it in Bombay,

tExpunged as ordered by the Chair.

Communists have done it elsewhere, and he says that there are people who are sabotaging production. These are the people who are sabotaging our factories the very nerve of our life. The hon. the Home Minister has said that essential services must be kept going. That is why this Bill is being brought to see that the essential services are maintained. That was why under this Bill 2,000 Railway workers had been arrested a couple of years ago. He is defending this to run the essential industries and other Members have defended the Bill to see that there are no strikes and there is no loss of production. I will challenge the Government as to who is sabotaging production, how much production is lost due to strikes, how much production is lost due to sabotage by these capitalists. I would like to ask this Government, and I hope they will give me a straight answer, whether factories in India are not being closed down because of Imperialist competition, whether production is not being sabotaged just because there is some other ugly hand working behind the Imperialist hold on the very economy of our country. I want a very straight answer from the Treasury Benches, from the Government, from the Labour Minister, and the Home and Finance Ministers.

I would like to draw your attention and through you, the attention of the House, the Government and the entire people that if you think that essential services must be run smoothly, then it is your duty, your bounden duty to see that the workers manning essential services are paid their dues. You deprive the railway workers of the concessions that have been given by the Central Pay Commission ; you deprive the railway workers of the meagre concession that the Rajadhyaksha Award gave them for leave and other facilities ; you deprive the essential service workers of those facilities and then you say, ' you have no right to strike '. Well, strike is the right of the trade union movement ; strike is the right of the trade union movement because that strengthens their position for collective bargaining. I don't

think anybody is going to denounce or reject or deny that position'.

I tell you, Sir that they may say that the-c are Tribunals. My hon. friend has said that we have gone against the Tribunals. Yes, workers have gone against the Tribunals because they have gone against the interests of the workers. The Appellate Courts have become the refuges of capitalists. Even in the Industrial Tribunals, at the provincial level, they give certain concessions which are taken away by these Appellate Courts. That has been the general condition, if the workers go against the conciliatory machinery, if workers want to get their wages according to the heavy rise in the cost of living, you come out with this Preventive Detention Act, and say, " Here you are ; here are the instigators ; there are those who are sabotaging production ; arrest them all and put them in jail. " Sir, this is how they deliberately provoke workers to strike, I challenge the Home Minister or any other gentlemen here to come and organise one single strike or, for that matter, one single mass action. I tell you, if the people do not want it, if the people are contented and if the workers are contented, nobody on earth, even God or, for that matter, a bigger being, even the Devil, cannot bring about a strike. (*Interruption*). If the peasants are not prepared for action, nobody on earth can make them do that. That is why I say, let the hon. Members come and organise one single strike.

SHRI GOVINDA REDDY : Why should we ?

DR. R. B. GOUR : These are just like recorded speeches of the British Viceroy and their Executive Councillors who were saying " here are the patriots who are organising strikes, engineering trouble and doing all these violent acts." These were the words that were used against the patriots some years back and these are the words that are being hurled against us today on the floor of this House. (*Interruption*).

I do not want to dilate on this matter any further. My point is very clear.

[Dr. R. B. GOUT.] Here is an appeal by 26 Unions, representing no less than 50,000 workers of New and Old Delhi. They say—I am only quoting :

"The working class, the trade union leaders and workers were the hardest hit by the derogatory provisions of this Act. There have been indiscriminate arrests and detentions without trial of trade union leaders and workers in the course of their struggle for higher wages, security of service, better working conditions and trade union rights. In fact there had not been a SINGLE strike during the last four years, which was not suppressed by the application of the black Act. — Workers are beginning to feel that unless their right to strike remains unfettered, they would not be able to effectively bargain with their employers. The past experience has convinced them that their right to strike cannot be safe so long as this black act remains on statute book. This Act has come to be known among workers as a 'Strike Breaking Act'.

"In Delhi alone, all trade unions of various shades and affiliations have suffered alike from this Act. The police removed records, looked union offices, detained trade union leaders and workers and broke strike on the alleged grounds that any concerted action of the workers was a threat to the security of the State. Thus workers of Delhi regard this Act, as an act to stifle the growth of trade union movement and terrorise the workers into submission."

Now, Sir, that is the opinion of trade unions of all affiliations.

SHRI B. K. MUKERJEE (Uttar Pradesh): On a point of information. Sir, I shall be happy if my hon. friend can give me the figures of the trade unions operating in the city of Delhi, and secondly, what are the total number of members affiliated to all the 26 unions who have sent this appeal ?

DR. R. B. GOUR : I do not want to reply to that because he is playing a trick. He wants to devour my time and I refuse to give way.

Just yesterday, an hon. Member, the hon. Diwan Chamaw Lall, hurled so many phrases and even certain things against us coming from Telangana. I am not going to hurl back the phrases at him because you have given a ruling and I abide by that. Sir, I am sorry my hon. friend is not here and he was not in India when non-violent guns of the Congress Government were booming in Telangana. He was probably purchasing wheat for us in Turkey.

Well, shall I go into the details of things that had been done in Telangana? I shall only refer you to the speech of Comrade undarayya yester-

day and that of Dr. Jaisooriya in the other House. I am not going to take up the time of the House, because I have also myself spoken about these things in an earlier speech on a different occasion. I only want to tell my hon.

friends who charge us that we have broken the Constitution that we have violated the Constitution. But was there the rule of the Constitution in Telangana after the police action?

Was there the rule of law in Telangana after the police action? You just caught hold of persons and shot them. You caught hold of women and did so many things. Let any

I Minister, let any hon. Member go from Delhi on the Grand Trunk route. Let him get down at Chintagani and from there go to the village Repallawada and ask the peasants there. Seven peasants were shot dead there and why ? On the pretext that the police had information that they had sheltered a patriot—of course, a desperado, in your language—one Mallela Venkatesh-warloo. If they had sheltered those people, there was your law ; there was your own Preventive Detention Act. You could have produced them in a court, tried them. You could have done it. But your police just went to the village, caught hold of peasants and simply shot them dead. Do you call this a rule of the Constitution ? Was it constitutional rule that prevailed, that ruled supreme in Telangana ? If we have violated that law, I say we have broken it because that was the law of the jungle ; that was not Constitution of India that was in operation in Telangana.

My hon. friend, Mr. Rama Rao, who is so sweet in the lobby but who was so bitter here yesterday, told us " Have you come with clean hands ? " Yes, Mr. Rama Rao, we have come with clean hands. We have a clean conscience.

SHRI RAMA RAO (Madras) : Your hands are dirty.

DR. R. B. GOUR : No, Sir, I am not going to allow him any time to interrupt. As I said, we have a clean conscience. We are here by our right. We have not come here, because you have invited us ; we have not come here, because you have shown mercy. It is despite you all that we have come here. You wanted to shoot us all ; you wanted to kill us all. Your leader has said that he will not allow any Communist to live "कमूँरों का कचूँर निकाल लिया जायगा" Despite that we have come here. Not out of any mercy, but by right we have come here and we are going to be here. Our hands are clean ; our conscience is clean and that is why the people of Telangana have returned us in such large numbers with such large number of votes. That shows our hands are clean ; our conscience is clean. It is not we, but you who resort to violence, whose hands are not clean and that is why the people have overthrown you in that part of the country. And that is the answer I would like to give to my hon. friend who wanted to get a reply from me.

Now, I will quote from a very dangerous book. I am sure the book is very dangerous and is likely to be banned. That is Pandit Jawaharlal Nehru's Autobiography. This is what Panditji says :—

"But of one thing I am quite sure, that no new order can be built up in India so long as the spirit of the I. C. S. pervades our administration and our public services. That spirit of authoritarianism is the ally of Imperialism and it cannot co-exist with freedom. It will either succeed in crushing freedom or will be swept away itself. Only with one type of State is it likely to fit in, and that is the Fascist type. Therefore it seems to me quite essential that the I. C. S. and similar services must disappear completely, as such, before we can start real work on a new order."

This is what Pandit Jawaharlal Nehru of the old days has said. He has also said this :

"No one can say that he will always and - without fail act legally. Even in a democratic State occasions may arise when one's conscience compels one act otherwise. In a despotic or arbitrarily governed country these occasions are bound to be more frequent indeed, in such a State the law loses all moral justification."

Sir, this is no doubt a dangerous quotation from a dangerous book. I think our friends over there will see that it is banned. (Interruptions).

MR. DEPUTY CHAIRMAN : Your time is also up.

DR. R. B. GOUR : But three minutes were taken away by these interrupters. I would like to say how this is going to strengthen the hands of imperialism, the countries who have geared their entire economy towards the purposes of war reducing the people to misery. And if the people rise against their miseries, it is for the purpose of suppressing the people that they have got such Acts—as in America. Sir, that is the genesis of such repressive legislation in Imperialist countries. In our country you do not want to give land to the people, while you give crores and crores to the enemies of the people like the H. E. H. the Nizam. You won't break the stranglehold of Imperialist capital that is ruining our economy. You will not give land to the landless ; you will not give job to the jobless. And if the people in desperation rise against these atrocities, you want to oppress them. You want joblessness in this country ; you want landlessness in the country because at a subsequent time you want to recruit them in the Imperialist army for use as cannon fodder for their aggressive wars. That is why you want people to remain jobless and landless so that you can use them in support of the Imperialists. Sir, I oppose the Bill in toto. I oppose it because it is against the peace of the country ; it is against the interests of the country. Its immediate aim is to suppress the people. It begins with Red baiting and ends with complete suppression of democracy. That has been the genesis and the logic of all such laws in other countries. Let us learn from experience ; let us learn from the experience of Fascism in other countries. They start with saying that these Bills are created only for suppressing Communist lawlessness and ultimately ends in the suppression of every vestige of democracy. Your own Government is going to come down upon you. They

[Dr. R. B. Gour-J will say : " No Johnny, you are also a Communist. " That is going to be ihe position. Because such things have happened in other countries. With these words, Sir, I want this House to throw out this Bill.

MESSAGES FROM THE HOUSE OF THE PEOPLE

I. THE RESERVE AND AUXILIARY AIR FORCE BILLS, 1952.

II. THE NATIONAL CADET CORPS (AMENDMENT) BILL, 1952.

MR. DEPUTY CHAIRMAN : Secretary will read out two messages that have been received from the House of the People.

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

"In accordance with the provisions of Rule 115 of the Rule of Procedure and Conduct of Business in the House of the People, I am directed to enclose herewith a copy of the Reserve and Auxiliary Air Forces Bill, 1952, as reported by the Joint Committee, which has been passed by the House at its sitting held on the 8th August 1952."

II

"In accordance with the provisions of Rule 148 of the Rules of Procedure and Conduct of Business in the House of the People, I am directed to inform you that the House of the People at its sitting held on the 8th August 1952, agreed without any amendment to the National Cadet Corps (Amendment) Bill, 1952 which was passed by the Council of States at its sitting held on the 29th July 1952."

I lay the Reserve and Auxiliary Air Forces Bill on the Table.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 3 p.m.

The Council then adjourned for lunch till three of the clock.

The Council reassembled after lunch at three of the clock, MR. DEPUTY CHAIRMAN in the Chair

FIXATION OF RENT OF BUNGALOWS AND QUARTERS FOR MEMBERS OF PARLIAMENT

THE MINISTER FOR WORKS, HOUSING AND SUPPLY (SARDAR SWARAN SINGH) : Sir, the question of providing suitable accommodation on. reasonable rents for the Members of the Legislature has naturally been receiving the most careful consideration of Government and steps are being taken within the limits of finance that is available to build more units of accommodation. Until such fresh construction is completed some Members have to continue to live in the hostel accommodation that is provided in "Constitution House" and "Western Court". Even in the case of Members for whom accommodation is available in [he bungalows or houses abng Feroze-shah Road, Queensway, Electric Lane, Canning Lane, etc. for in the newly built flats on the South and North Avenues, the problem as to what should be considered equitable rents for the different types of accommodation has had to be faced. The House Committee considered this problem and felt that the existing basis of charging rents was defective and that, in the case of the newly built flats especially, the rents were particularly excessive. They recommended that -some basis of averaging out of the rents should be attempted as between the bungalows and houses on the one hand and the flats on the other, and further suggested that the maximum rent leviabie from each Member should be limited to Rs. 100 p.m. per unit or 10% of the allowances drawn by the Member concerned throughout the year, whichever is less., in all cases where the standard rents would exceed these figures. The)- also recommended that the rents charged for the furniture provided in these various units should be reduced, taking into account a more realistic period as the life of the various articles concerned..

Government have given careful consideration to this matter in the light of