

(e) The Nahan Foundry is referable to a matter in the Union Legislative List and is therefore the 'exclusive responsibility of the Central Government. Moreover, the present Himachal Pradesh Government was not in office at the time. The question of consultation with that Government, therefore, does not arise.

GOVERNMENT MACHINE TOOLS FACTORY AT JALAHALLI, BANGALORE

117. SHRI M. VALIULLA : Will the Minister for PRODUCTION be pleased to state whether the Government propose to set up a factory at Jalahalli, Bangalore, to manufacture tools and machines that are already being manufactured by the graded and ungraded firms in India engaged in the production of machine tools or machines?

THE MINISTER FOR PRODUCTION (SHRI K. C. REDDY) : In the first stage of production of the State-owned Machine Tool Factory at Jalahalli, it is proposed to manufacture 400 high speed lathes of 8 1/2" size per annum. The production has been so planned that production in the Government factory may be complementary to and not competitive with private industry considering the estimated requirements of the country for this type of machine tool. It has recently been claimed by one of the Indian machine tool manufacturers that they are equipped for the manufacture of and are actually producing 8 1/2" lathes in their factory.

ANNOUNCEMENT REGARDING STATEMENT ON KASHMIR

MR. CHAIRMAN : Before we take up the next business, I may announce that the Prime Minister has agreed to make a statement on Kashmir and allow discussion here on Tuesday at 10 a.m. in this House.

**CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL* 1952—
concluded.**

MR. CHAIRMAN : Further discussion on the following motion moved by Shri C. C. Biswas on the 30th July 1952 :

That the Bill further to amend the Code of Criminal Procedure, 1898, as passed by the House of the People, be taken into consideration.

KHWAJA INAIT ULLAH :

خواجہ عنایت اللہ : جناب چیئرمین

Code of Criminal Procedure (Second Amendment) Bill,

1952 پر یہاں کل سے بحث ہو رہی

ہے - مہرے خیال میں اس بل کو اپوز

(oppose) کرنے والے اس اسٹیمٹ

کا مطلب ہی نہیں سمجھے - کہونکہ

اس میں اس بات کی اجازت مانگی

گئی ہے کہ جہاں پر دسترکٹ رجسٹریٹ

کو ملہتری استعمال کرنے کی اجازت ہے

وہاں پر اس لفظ ملہتری کے بجائے

آرمڈ فورسز (Armed Forces) کا لفظ

بدل دیا جائے صرف اتلے سے لفظ کے لئے

اپوزیشن (opposition) نے اس ایکٹ

پر ہی بحث کرنی شروع کر دی ہے اور

تمام بحث کا مطلب ان کا یہ تھا کہ

ان لافس اسمبلز (unlawful assem-

blies) کو جب ڈسپرس (disperse)

کیا جاتا ہے تو ان پر ظنم ہوتے ہیں-

ان پر کوئی چٹائی جاتی ہے اور ان کو

طرح طرح کی تکالیف دی جاتی ہیں-

ان کا کہنا یہ ہے کہ ہندوستان میں

اس طرح کی بات اب نہیں ہونی

چاہئے - میں تو نہیں سمجھتا کہ

ان لافس اسمبلز کو ملٹھر کرنے کے لئے

حکومت کے پاس کوئی قانون نہیں ہونا چاہئے۔ کہا ہمارے ایوزیشن واک یہ چاہتے ہیں کہ ہندوستان میں اس طرح کی غیر قانونی جماعتیں رہیں اور وہ وائلینس (violence) اور تشدد کے ذریعہ حکومت کے کام میں رکاوٹیں ڈالتے رہیں۔ اگر سمجھانے بجھانے کے بعد فورسبز (forces) کا استعمال کرنا پڑے تب بھی ہماری ایوزیشن جماعت کہتی ہے کہ اس حالت میں یہی اس کا استعمال نہ کیا جائے۔ اگر ان کا یہ مطلب ہے تب تو دوسری بات ہے۔ اگر وہ اس قانون میں ملہتری لفظ کے لئے کوئی اعتراض نہیں کرتے اور ان کو لفظ آرمڈ فورسبز سے ہی اعتراض ہے اور وہ کہتے ہیں کہ اس لفظ کو کہوں بڑھایا جاتا ہے تو اصل بات یہ ہے کہ ہمارے ایوزیشن والے لوگ اس لفظ کو انگریزی معنی سے پڑھتے ہیں۔ مہرے خیال میں اگر وہ اس لفظ کا ہندی میں ترجمہ کریں تو پھر یہ جھگڑا ہی ختم ہو جائے گا۔ میں نہیں سمجھ پایا کہ اس چھوٹے سے لفظ کے لئے وہ کہوں جھگڑے میں پڑ گئے ہیں۔

میں یہ مانتا ہوں کہ اگر وہ اپنی بحث میں یہ دلیل دیتے کہ اب اس ایکٹ (Act) کی بالکل ضرورت نہیں ہے یعنی آرمڈ فورسبز کے استعمال کرنے کی اب ضرورت باقی نہیں رہی ہے تو یہ ایک بات سمجھی جا سکتی ہے۔ مگر جب انہوں نے ملہتری

کے استعمال کو مان لیا ہے یعنی اگر کسی ان لافل اسمبلی کو پولیس ڈسپرس نہیں کر سکتی ہے تو آرمڈ فورسبز کا استعمال کرنا ضروری ہے۔ تو ہم نہیں سمجھ سکے کہ ان کو ملہتری کی بجائے آرمڈ فورسبز لفظ کو رکھنے میں کہیں اعتراض ہے؟ کیا اس لفظ کو رکھنے پر اس قانون کی شکل بدل جاتی ہے؟

ملہتری کے معنی اور فوج کے معنی ایک ہی ہیں۔ ایک زمانہ میں صرف پیدل فوج ہی ہوا کرتی تھی کیونکہ اس زمانہ میں جب یہ قانون سنہ ۱۸۸۲ء میں بنا تھا اس وقت آج کی طرح فوج نہیں ہوا کرتی تھی۔ پہلے کے زمانہ میں تر فوج کے معنی تاوار والے سپاہی، بلدوق والے سپاہی اور پھر چھوٹی بڑی توپ والے سپاہی کے ہوتے تھے۔ اس لئے اس وقت جب قانون بنا تو ملہتری لفظ کا استعمال کیا گیا اور اس کو رکھ دیا گیا۔ مگر آج کی دنیا میں جب کبھی فوج کی طاقت کا ذکر آتا ہے کہ ہندوستان کی فوجی طاقت کتنی ہے؟ انگریز کی فوجی طاقت کتنی ہے؟ امریکہ کی فوجی طاقت کتنی ہے۔

تو اس میں سب طرح کی فوجی طاقت سے مطلب ہوتا ہے۔ اس میں وہ فوج بھی آجاتی ہے جو زمین پر رہتی ہے۔ وہ فوج بھی آجاتی ہے جو سمندر پر جہازوں پر رہتی ہے اور وہ بھی آجاتی ہے جو ہوا میں دوڑتی ہے۔ فوج کے معنی یا ملہتری

[Khwaja Inait Ullah.]

کے معنی آج کل ان تہلوں قسم کی فوج کے مجموعہ سے ہوتے ہیں۔ میں سمجھتا ہوں کہ فوج کے معنی یا ماہتری کے معنی ہمارے اپوزیشن والے اچھی طرح سے جانتے ہونگے کہ اس میں تہلوں قسم کی فوج آ جاتی ہے۔ تو پھر مہرے یہ سمجھ میں نہیں آتا ہے کہ ایک چھوٹے سے لفظ کے لئے کہ ملیتاری کی جگہ آرمڈ فورسز رکھ دیا جائے اس پر ہمارے مخالف صرف اس ہاؤس کا وقت ضائع کر رہے ہیں اور کچھ نہیں کر رہے ہیں۔ اپوزیشن والے تو یہاں پر کوئی بھی چیز پھس کی جائے تو ان کا مطلب صرف یہ ہوتا ہے کہ اس کی کسی نہ کسی طرح مخالفت کی جائے۔ چاہے اس میں کوئی دلیل ہو یا نہ ہو۔ ان کا تو مطلب مخالفت کرنے سے یہ ہوتا ہے تاکہ وہ باہر والی دنیا کو دکھا سکیں کہ ہم گورنمنٹ کی ہر بات کی مخالفت کر رہے ہیں انہوں نے ایک چھوٹے سے لفظ کے لئے اس ہاؤس کا قیمتی وقت ضائع کیا ہے اور جب کہ سرکار نے ساف طور سے اس لفظ کے معنی بتلائے ہیں کہ ہم ہوائی جہازوں سے آدمیوں پر بم نہیں برساتھتے؟ سملداری جہازوں سے گولے نہیں برساتھتے؟ ہوائی جہازوں اور سملداری جہازوں سے ان لائل اسمبلی کے اوپر کسی طرح سے بھی بم یا گولہباروں نہیں کی جائیں گی۔ بلکہ اس کا مطلب یہ ہے کہ جن شہروں میں بری فوج آسانی سے

میں مل سکتی ہے اور جہاں پر ہوائی بر سملداری فوج آسانی سے مل سکتی ہے وہاں پر ان فوجوں کے آدمیوں کا استعمال کیا جا سکے۔ اور صرف بری فوج کی طرح استعمال کریں۔

ان فوجوں کا اس جگہ پر استعمال کیا جائیگا جہاں پر ان لائل اسمبلی یعنی زیر قانونی جماعتیں بری طاقت پکڑ جاتی ہیں۔ جہاں پر یہ تو ہو جاتا ہے کہ ان لائل اسمبلی ایران اور مصر کی طرح انقلاب پیدا نہ کر دیں۔ جہاں پر انڈر گراؤنڈ (underground) فوجوں تیار کی جا رہی ہوں اور ان کو ہتھیار بانٹتے جاتے ہوں۔ اس طرح دیہس کے اندر امن و آسان نہیں رہ سکتا ہے اور جنتا پریشان ہو جاتی ہے۔ ایسے موقعوں پر آرمڈ فورسز استعمال کی جاتی ہیں۔ پہلے جو ہمارے یہاں ان لائل اسمبلی ہوا کرتی تھی انکے پاس ہتھیار نہیں ہوا کرتے تھے انکے پاس کسی طرح کا اور کوئی سامان نہیں ہوا کرتا تھا مگر آج کل جو غیر قانونی جماعتیں پیدا ہو رہی ہیں انکے پاس ہر قسم کے ہتھیار موجود ہوتے ہیں اور وہ آج کل اس درجے پر پہنچ گئی ہیں کہ ان میں ہر طرح کے ہتھیار کام میں لائے جاتے ہیں۔ دوسرے ملکوں سے ہتھیار لاکر ان کو بانٹتے جاتے ہیں ان کو جنگلوں میں انڈرگراؤنڈ پرینڈ سکھائی جاتی ہے اس لئے ایسے موقعوں پر یہ خطرہ محسوس کیا جا رہا ہے کہ جہاں پر

کوئی مایٹری نہ ہو وہاں پر جو دوسری
آرمڈ فورسہز چلانی سے مل سکیں ان سے
کام لیا جا سکے۔ آج کل کی آرمڈ فورسہز
میں سب طرح کی فوج آجاتی ہے۔
ملیٹری آج کل وہ فوج ہے جس
میں گھوزسوار فوج بھی ہے، توپ خانہ بھی
ہے۔ سپہرس، مانڈرس (Sappers and

Miners) بھی ہوتے ہیں۔ آل کی
فوج میں کئی قسم کی فوج ہوتی ہے۔
خشکی پر چلنے والی فوج، سمنڈر پر
جہازوں پر کام کرنے والی فوج اور ہوا میں
ہوائی جہازوں پر کام کرنے والی فوج بھی
آجاتی ہے۔ فوج تو سب طرح کی ہوتی
ہے تو پھر یہ سمجھ میں نہیں آتا ہے
کہ اگر ملیٹری کی جگہ آرمڈ فورسہز
یعنی ہتھیار بند طاقت رکھ دیا جائے تو کیا
فوق پڑ سکتا ہے۔ ہاں میں یہ

9 a.m.

بات مان سکتا ہوں کہ اگر
اپوزیشن والے یہ کہیں کہ وہ اس بل کو
بالکل نہیں چاہتے ہیں اس ہندوستان
میں ان لافل اسمبلیز کو جو وہ چاہیں
کرنے دیا جائے۔ اس ہندوستان میں کسی
قانون کی ضرورت نہیں ہے۔ جس کا
جو چی چاہے کرتا رہے یہاں پر کسی
حکومت کی ضرورت نہیں ہے۔ اس
طرح کے قانون سے ہمارا دیس دنیا
میں بدنام ہوتا ہے اس لئے ہم کو
اس بل کو پاس نہیں کرنا چاہئے۔
تو اس طرح کی بے معنی مخالفت لینی
جگہ پر ہے اور مانی جا سکتی ہے۔ مگر
اس چیز کو مان کر کہ ملیٹری لفظ تو
تھپک ہے۔ مگر اس کو آرمڈ فورسہز

(Armed Forces) میں بدل دینا غلط ہے۔

مخالف جماعت کی یہ بحث بالکل
یسی ہی ہے جس کو کہ ہم دہہ سکتے
ہیں کہ آپ بے معنی بات کر رہے ہیں۔
میں تو کہتا ہوں کہ وہ ایک نا سی بات
تھی جسے فسانہ بنا دیا ہے، کون چیز
ایسی باقی نہیں رہی خواہ وہ کتنی ہی
اچھی کہوں نہ ہو جسکی آیلے پوری
طاقت سے پورے زور سے اور بڑے جوش
و خروش سے مخالفت نہ کی ہو؟ کون
یہ نہیں جانتا کہ آپ ہندوستان میں
گوپو پیدا کرنا چاہتے ہیں؟ مگر ہم
یہ ضرور کہیں گے کہ ہندوستان کی
حکومت کو سوراخ ملنے کے بعد بھی آپ
لوگوں کی وجہ سے انکنت مصیبتوں کا
سامنا کرنا پڑ رہا ہے۔ ہم چاہتے ہیں
کہ قانونی طریقہ پر آپ اپنی آواز کو پیس
کریں۔ ہم اس کے لئے تیار ہیں کہ ہم
آپ کی اس بات کا قانونی طریقہ سے
جواب دیں۔ ہم اس کے لئے تیار ہیں کہ
آپ قانونی طریقہ سے گانگریس راج کو
بدل دیں اور قانونی طریقہ سے آپ کدی
پر بیٹھیں۔ ہم تو مہاتما گاندھی کے
اصولوں پر چلنے والے ہیں۔ ہم کبھی یہ
نہیں چاہتے کہ یہاں خون خرابہ سے
قانون بدلا جائے۔ ہم یہ بھی نہیں چاہتے
کہ آپ لوگ انڈرگراؤنڈ ہو کر اور باہر سے
ہتھیاروں کو لاکر لوگوں میں ہتھیار بانٹ
کر پرامن شہروں کی زندگی کو تباہ کریں۔
آپ لوگوں کا یہی مقصد ہے اور اسی
اصول پر آپ لوگ یہاں پر ہر چیز کی
مخالفت کرتے جا رہے ہیں۔ اس لئے

[Khwaja Inait Ullah.]

میں آپ سے کہوں گا کہ آپ اپنے امانت نامہ کو واپس لے لیں سب سے چاہیں کہ آپ غلط مخالفت کر رہے ہیں۔ ملپٹری میں اور آرمڈ فورسز میں کوئی فرق نہیں ہے۔ وہ دونوں ہی فوجیں ہیں اور ہندوستان کی فوجیں ہیں۔ ہندوستان کی فوجوں کا یہ فرض ہے کہ ہندوستان میں امن قائم رکھیں اور ہر جگہ ہر شہر کی زندگی کا امن برقرار رکھیں اور مصیبت کے وقت غریب چغتہ کی مدد کریں۔

بس میں ان الفاظ کے ساتھ اس امانت نامہ بل کی تائید کرتا ہوں۔

[For English translation, See Appendix II, Annexure No. 55.]

SHRI C. G. K. REDDY (Mysore) We are grateful to the many legal luminaries who have thrown light on this measure and have told us that the Opposition has misunderstood this measure. The hon. Member who preceded me just now has tried to throw some more light on the subject and tried to enlighten the Opposition. But they all seem to have missed the point and not understood our attitude to this Bill. It is not as if we do not know what the Bill is about. It is not as if it is a very small thing—as they would call it—a very small amendment that is being brought forward. We are all aware that hitherto the magistrate had the authority to call in the military force to disperse an unlawful assembly, and we are willing to concede that if the naval force and the air force were included in this military force, not much difference would arise. We are willing to concede that and before the hon. friends from the other side try to enlighten us,

I may try to tell them that we do understand this feature of the Bill. We know that there is not going to be much difference. But after all, when an amendment comes in, it is an opportunity that is being given to Parliament to withhold even that little power and Parliament should take that opportunity to draw the attention of Government to the manner in which these sections in the Criminal Procedure Code and these powers that they have already taken are being misused in the country. That, I should think, is the normal parliamentary practice and that is what we are attempting. I may repeat again that it would not make much difference to this country or to the unlawful assemblies, so many of which have been shot at, without much provocation. It would not make much difference if the naval personnel and the air force personnel are included in the term "military force". All that we are trying to show is that even without this power, the magistrates, many of them who have been trained in the old set-up, and who are there more to administer what they call law and order than to serve the people, have abused these powers. I can quote any number of instances of such abuse. In my State even during last year they have done it. Therefore, by withholding this additional power that the Government is asking for, we are only exercising the right that truly belongs to us, namely, the right to draw the attention of Government to the manner in which these officials have been administering the powers that they already have.

Now, Sir, if I may say a few words about our administrative set up on the basis of which my opposition to this Bill is going to be laid. Sir, when the system of administration was introduced in this country and when it was set up, it had a very limited purpose, may I say a main purpose. The emphasis was that the officers, the District Magistrates and others, should be more concerned with the preservation of law and order than with serving the people. With this in mind, the

Britishers gave such extraordinary powers to our District Magistrates and even to the Sub-Divisional Officers, that I may say that a District Magistrate enjoys more power in his own locality than the President of the United States of America. It may surprise many hon. Members, but if you were to take a District Magistrate, so far as the district is concerned and so far as the lives, liberties and properties of those people are concerned, he enjoys more powers than the President of the United States of America who is supposed to have more executive powers than any other Head of a State in the world. Sir, regarding section 144 or any other section that you see in the Criminal Procedure Code, you find that the Magistrate is given the absolute discretion. He has not to consult any one. It may be said that he is answerable afterwards, but I do know, or have the hon. Members forgotten—admittedly or, shall I say, half admittedly by Congressmen themselves—that when unlawful assemblies, according to the District Magistrates, have been shot down, the enquiry that followed afterwards has attempted to whitewash the whole thing and we have not come across any report until today where a Magistrate has been unreservedly condemned. It is not as if every District Magistrate who has used these powers has used them with all the discretion that he ought to have had and it is not as if every District Magistrate is such a responsible and judicial minded person that he has always exercised his powers.....

KHWAJA INAIT ULLAH : It is so.

SHRI C. G. K. REDDY : It is a matter of opinion, Sir, and the burden of the argument of the Members opposite would naturally be that their officers are the finest in the land and that their officers had been created to see that the people in the country live peacefully, prosperously and in every manner develop themselves. But, I challenge any Member of the Party which is in power to let

us know which officer, which District Magistrate, is not guilty of irresponsibility and which officer has not been invested with power which should not belong to him.

Sir, when our own people came into power when we got independence in August 1947, we thought the administrative set up would be changed because we knew, and I can quote any number of quotations from those who sit in the Treasury Benches— not the new arrivals to the Congress Party but those who have been there with us for the last 20 or 30 years— where they have said that the administrative machinery of India has been geared to keep us under subjection and not to serve the people.

KHWAJA INAIT ULLAH : The British Government did that.

SHRI C. G. K. REDDY : The administrative machine was invented and geared to see that the people are kept under subjection. Am I not right in saying that when that machine has not been disturbed, when that system has not been amended, so long as this system continues, the only purpose of this system is to keep the people of India under subjection of the ruling power or the ruling Party ?

KEWAJA INAIT ULLAH : No, no.

am

SHRI C. G. K. REDDY : There can be no other conclusion from this. If you agree, as you have agreed and you must agree, that the Britishers invented this infamous system to keep the people of this country under subjection and not to serve the people, and if you cannot prove that in no manner have you disturbed this system, in no manner have you amended it and in no manner have you tried to gear it for the service of the people, how can you escape that inevitable conclusion that you are maintaining this system to keep yourself in power and not to serve the people ? You cannot say no to this argument. You cannot say that it is not logical.

[Shri C. G. K. Reddy.] Therefore, Sir, these very people who have been guilty of acts and who continue to be guilty of acts against the people of India and who are the most irresponsible officials that you can ever come across in the world are still going on undisturbed. I may say, Sir, that there may be exceptions as there always are ; but, that only proves the rule and my argument. Sir, nowhere in the world do you find a system which obtains in our country and to those officers who belong to that system, we are giving more and more powers instead of taking them away, and associating them with the people and making it obligatory for them to take the people's opinion and to associate them with the wants of the people which they have never felt nor will they ever feel under the present system. Therefore, our opposition to this Bill is not that since you include the naval personnel and the Air Force personnel, all of us on this side are going to be shot—many times you have attempted it; not that it would make any difference to our lives.

KHWAJA INAIT ULLAH : You are not opposing the amendment.

SHRI C. G. K. REDDY : I am opposing it.

MR. CHAIRMAN : Order, order-

SHRI C. G. K. REDDY : As I said, I began by saying that I oppose this amendment. The inclusion of the Navy and the Air Force into the Armed Forces does not make much difference, but it gives me an opportunity of condemning this Government, of accusing them of not lifting their little finger to amend the set up of the administration in this country and also accuse them of taking more and more powers to give to their officers, or shall I say to their lieutenants, to help keep them in power. I will again repeat, Sir, that I am aware that by including the Naval and the Air Force personnel in the Armed Forces not much difference is made,

but we do not want to give this additional power, even that little power, the insignificant power, because the power that they have enjoyed so far and the power that has gone mad, shall I say, in this country for so many years, even under this Government, has been misused. I may quote any number of instances—I can quote one instance, two instances—where officers have been guilty. We have been told, Sir, by our learned lawyers from the other end that in the chapter on unlawful assemblies, the sections proceed from one to the other, in a logical sequence. We are told : Here is the assembly and this is what the police officer should do. If he fails, this is what the Magistrate should do ; if he fails, this is what the military should do. So, if there is an unlawful assembly in front of them, they have got to follow this logical sequence. We have also been told that they cannot be indifferent to unlawful assemblies which may develop into such a conflagration that this Government and this Republic would be shattered to pieces. A very spacious argument, if I may say so, because first of all, without these logical sections which go from consequence to consequence, there are Magistrates in this country who have /af/«'-charged, who have dispersed.....

KHWAJA INAIT ULLAH : Fired.

SHRI C. G. K. REDDY :and who have deprived the people of this country of their fundamental right to form peaceful assemblies and peaceful processions. I can quote any number of instances. If my hon. friends or the hon. Minister-in-Charge will challenge me, I can quote instance after instance when without exercising section 144 or any of the other sections, the Magistrates—why Magistrates ; Magistrates have never been there— police sub-inspectors have *lathi-charged*, have dispersed and have detained people for two or three days on end and have beaten them so

badly that the people had to be admitted into the hospital. So when the officers have been guilty of not even exercising the limited powers under those sections properly, what is the use of giving them more powers? What is the use of giving them powers without pulling them up? We were told yesterday, Sir, by a learned friend, that the greatest protection was afforded under the Criminal Procedure Code and the Indian Penal Code to the people of India against the misuse of power by officials. Well, I have yet to come across one instance where, when an officer has misbehaved or misused his power, the people of this country have been protected from that.

AN HON. MEMBER : They have been punished by courts.

SHRI C. G. K. REDDY : If my hon. friend and the hon. House would give me a little time, I can prove to you. I can give you an instance in which I have been personally involved where every human law, every fundamental law was denied to the people and even the High Court could not give us protection. We are told that if an officer deprives you of a fundamental right, justice will come to you from the courts and the High Court. I can prove it to you but I would like to reserve it for another occasion. But if anyone challenges me I can say when people were *lathi*-charged, when there was no section 144, when processions were *lathi*-charged, when people were detained without warrant for more than 24 hours before they were produced before a Magistrate, when an appeal went to the High Court, the High Court turned it down saying that they were unable to interfere in that matter. If a challenge comes, I am willing to put the papers before the whole House. I say that no challenge can come because even the Congress Party is aware that this is happening every day in every part of the country, and yet they have come here asking for more powers. So my opposition to this is fundamental. I repeat

that you can have this little power— you are going to have it in any case— but I have the right and I am going to protest against it and I may tell the Government that whatever power they have had, whatever power their officers have had, they have been abused and they have no right and they have no face to come here and ask for more power.

SHRI BA SAP PA SHETTY (Mysore) : Sir, while supporting this Bill, I should like to say a few words. My hon. friend Mr. Reddy said that our officers have been misusing powers and all that. But you know, Sir, that our officers are our own people and they are as patriotic as anyone else. As a matter of fact, any party can carry on its legitimate agitation for securing rights and privileges in a peaceful and constitutional manner and no Government can dare stop that. But if acts of loot, arson and murder are committed, do you mean to say that Government should keep quiet and not call for the Army and the necessary help to quell the disturbances? If you allow such things to go, I think there will be no peace in the country and people will not be happy. Therefore to maintain law and order, it is essential that this Government should take these powers. They are our own people they know the difficulties. We have ourselves suffered much in our last *Satyagraha* movement and we know the difficulties. We are not allowing the Government to unnecessarily harass the people or to give them unnecessary troubles. This Bill is therefore essential. The scope of the Bill also is limited because it is intended to use only the ground personnel and only under extraordinary circumstances they are going to summon their help—not in ordinary circumstances. Therefore this Bill is very essential and I support the Bill wholeheartedly.

SHRI S. MAHANTY (Orissa): Mr. Chairman, I rise to oppose this Bill in its entirety. Sir, I have very carefully listened to the arguments that have been adduced by the friend

[Shri S. Mohanty.]
 on the Congress benches, 3rd painfully
 I have come to the conclusion that the
 Congress was all along fighting the
 British net cut of hatred, but cut
 of jealousy. If they had fought
 against the British cut of hatred,
 they would have by now changed all
 the concepts, all the valuations that
 were the guiding factor of the British
 Imperialism in India. Sir, now, I
 will merely cite one illustration. A
 lot of things has been said about unlaw-
 ful assemblies. You know, Sir,
 under the Criminal Procedure Code
 of 1898, an unlawful assembly was
 a Congress assembly or a Congress
 meeting where the people wanted to
 raise their voice of liberty against the
 whippings of tyranny. That was an
 unlawful assembly and a criminal was
 a patriot. Today what are you
 saying? He is a criminal who wants
 to expand the borders of our freedom;
 today he is a criminal who wants to
 raise the voice of liberty and today by
 this amendment you are seeking to
 widen the applicability of military
 force by requisitioning the services
 of the Army, Navy and the Air Force
 to drown the national aspirations in
 the ocean of blood. Now, Sir, you
 are a philosopher. You know, Sir,
 that nothing in this world is absolute.
 Therefore the power of the State
 can never be absolute. It is all
 relative. The State was evolved out
 of society. Therefore the residuary
 power to break that State is inherent
 in the society. Of course, it is like
 preaching atheism from the pulpit
 of a church. Some friends may
 argue that I have taken oath to be loyal
 to the Constitution. By all means,
 I have taken oath to the Constitution
 but only to change it. But if that way
 is closed by a *force majeure*, if the
 character of the Parliament steps me
 from doing that, then what other
 course is left for me except waging
 a revolution? Now, Sir, what is
 there to be scared away about revolution?
 Sir, revolutions in human history have always
 added glorious chapters to human progress.
 You know, Sir, the revolution of 1688 gave
 the "Bill of Rights", the very fundamental
 concept of Democracy on which we stand

today. The French Revolution gave the
 concept of "equality, liberty and fraternity".
 The American Revolution gave the basic
 fundamental principle of "no taxation without
 representation". Therefore there is nothing to
 be scared away about revolution. There must
 be revolution because the State was produced
 out of society and whenever that State fails to
 fulfil the aspirations of society, it must mean
 revolution and bloodshed. You will see in the
 history of human progress, in the name of
 God, in the name of progress more blood has
 been shed than for anything else.

-Coming to another factor, Sir, no amount of
 legalistic or technical interpretation of this Bill
 can justify its enactment. No such law forms
 part of the Statute Book. As it were, it came
 from the blue. The law is also a product of
 society. And society does not mean a con-
 glomeration of human animals. Man in order to
 be a man must have his aspirations, must have
 his ideas, must have his ideologies, must have
 his dreams. Therefore while we are going to
 enact a law we are going to take into
 consideration all these factors. Now, Sir, when
 we were hoping that the borders of freedom
 would be more expanded, it is paining, it is a
 grievous hurt to see that Government should
 come forward with Bills every day seeking more
 power and more power to curb our liberty. I do
 not know if some other day some other Minister
 may not come here seeking power to hang
 himself! Sir, I know, and some friends from the
 Opposition side have very ably pointed it out,
 that Government out of sheer panic seeks the aid
 of the military and the police to disperse people.
 I can do no better than quote here from the Hun-
 ter Committee's report. That Committee went
 into the Jalianwala Bagh firing affair. In answer
 to a question by Mr. Justice Rankin, a member
 of the Hunter Committee, who asked: Excuse
 me putting it in this way, General Dyer; was it
 not a form of fright-fulness?" General Dyer
 replied— I as I know our hon. Law Minister
 would I reply—as follows :

" No, it was not. It was a horrible duty I had to perform. I think it was a merciful thing. I thought that I should shoot well and shoot strong, so that I or anybody else should not have to shoot again. I think it is quite possible, I could have dispersed the crowd without firing....."

I would like very much our hon. Minister of Law to listen to it :

"I think it is quite possible, I could have dispersed the crowd without firing, but they would have come back again and laughed and I should have made, what I consider, a fool of myself."

You must remember that those persons who even preach revolution are Indians. When they are dead, their dead bodies will be cremated in this very Indian soil. You should not arrogate to yourself the role of patriot—that you are the only patriots and all the rest are enemies. Everyone wants to serve the country according to his own light, but you stop that, and you drive people underground. You keep people in detention under the Preventive Detention Act. You keep them behind the bars. You create a psychological atmosphere in the country in which for an honourable man there is no other way but to preach revolution. As I said, history has taught us that under such conditions of degradation the honourable course for every man is revolution. Whenever a tyrant wants to suppress the voice of liberty, the only course is revolution. You have also fought a revolution and have won.

SHRI C. G. K. REDDY : Not the; only. It is not their monopoly.

SHRI S. MAHANTY : It is out of sheer panic that the Government if going to get this enactment passed. The Criminal Procedure Code, which they are going to amend, was drafted in 1898 when a criminal was a patriot when, an unlawful assembly was an assembly of persons who fought for independence, of persons who raised the voice of liberty. Now the Government should re-evaluate their policy

values. New definitions should come up. Here, unlawful assembly is probably going to mean any assembly of persons who are going to protest against the Government's deeds or misdeeds. Now they are seeking to widen the applicability of the phrase "military forces" by including the Air Force and the Navy. Of course they can get it passed by force of majority. But they should remember that there is a larger audience outside, there is a larger people outside, who are maintaining a black book, and the day of reckoning is not very far.

SHRI GOVINDA REDDY (Mysore): Sir, I did not want to speak on this Bill, but after what has been said this morning on the other side, I feel it my duty to say a few words.....

SHRI C. G. K. REDDY : And come to their assistance.

SHRI GOVINDA REDDY : I never expected that my hon. friend of the Socialist Party would be guilty of such violence of language in dealing with a Bill. In fact I am amazed.

AN HON. MEMBER : Declare it unlawful.

SHRI GOVINDA REDDY : He was pleased in his eloquence to cast a slur on the magistracy of India. Well, Sir, there cannot be anything wrong in a particular system, whichever system it is—whether it is the Russian system of magistracy, or whether it is the British system of magistracy, or whether it is the Indian system of magistracy. The system as such can never be found to be wrong. It is only in making use of it, in how the system translates itself in action, that it can be found fault with. As far as the British system of justice is concerned, the whole world has admired it and is appreciating it. India continues to have that system which they founded here. The Indian

¹ Penal Code and the Criminal Procedure

[Shri Govinda Reddy.] Code have been—known in the whole world as the most exact and the most democratic codes. In fact, no penalty will be incurred under the Indian Penal Code until the guilt is brought home to the last degree, until there is no doubt left that the accused is guilty of the offence he is accused of. And the Criminal Procedure Code evolves every formula and every procedure in order to afford facilities not only for the prosecution to prove the guilt, but also for the defence to defend the accused to the last degree.

It is very difficult to say in a case dealing with an unlawful assembly whether the magistrate has exercised his discretion without taking due care. No sensible man can say that an assembly, when it becomes an unlawful assembly, should be allowed to continue in that manner. It has almost been an every day occurrence in this country that when a few people gather together, particularly for the purpose of creating mischief, then, as soon as they assemble, they start throwing brickbats and soda-water bottles, and they start looting small shops, and they start assaults. This has been a common occurrence. Of course nobody can say that an assembly which gathers for a peaceful purpose should be dispersed by a magistrate. Nobody can say that a magistrate should have power to disperse such an assembly. But when an assembly starts agitation for a political purpose or against an employer, when it turns violent, then there must be some authority to check the violence, to check the harm that such an assembly can do. It may be a policeman, or it may be a Magistrate. There must be some authority. The Opposition Members cannot say that such an assembly, if it becomes violent, should not be dealt with. There must be some authority to deal with it. And who can be that authority? Hon. Members, I am sure, cannot concede that it can be a policeman. Of course, the policeman, although it is a very onerous task that he discharges in khaki, is regarded by the whole society as an offender always. Even when he

] does his duty nobly and bravely and j under suffering and at risk to himself, he is regarded by society, most unjustly, as an offender. So, the policeman, who has been charged with the task of prosecuting, cannot be the right person to deal with an unlawful assembly. Therefore, the law has wisely prescribed that in dealing with a situation which is unprecedented, which comes in an unexpected way, which develops all of a sudden—in dealing with such a situation—only a Magistrate who has been trained in the ways of justice, who is known to have administered law and who is known to have developed a judicial mind, should be the authority to disperse the unlawful assembly. And the law has taken care to prescribe every method there. He should take care to see that before he calls upon the police or the military to help, he should warn the assembly to disperse, and if they do not disperse, only then will they be forcibly dispersed. After all these due precautions, if a Magistrate decides, in his discretion, to disperse an assembly with the help of the military, to say that all magistrates have been fanatics and have made use of this provision in an unlawful manner, in a manner which is unjustified, is to cast a slur on an officer who will be doing a very painful duty under the circumstances. We must also admit that a Magistrate is human. Apart from being a Magistrate, he is human too. No Magistrate would take it into his head to call the military to shoot at people, as my hon. friend from the Socialist Party was saying. No Magistrate would do that needlessly; unless the circumstances warranted it.

SHRI C. G. K. REDDY : I can prove it

SHRI GOVINDA REDDY : Of course a comparison has been drawn very unjustifiably by my friend between the days when the British were administering here and the present Government. Well, Sir, those were the days when they wanted to suppress the freedom movement. So those were the days when a big assembly

gathered, they feared that that assembly would either be provoked to violence or that they would generate a sufficient force among the masses against their constituted authority and therefore, whether rightly or wrongly, it is true that they dispersed assemblies by violence. But to draw a parallel in this instance and refer to the Hunter's Committee Report, to the Jalianwala Bagh shooting or to what happened in 1857 is, Sir, unjust. It is wholly wrong. I do not think there is any intention to do that. We should expect our magistracy to feel that every Indian is his brother. He is a citizen as good as he and therefore to deal with such a situation he should not unduly violate his rights. It is only where law warrants that his liberty should be restrained, it is only where law warrants that the freedom of personal movement should be restricted, these measures will be taken.

Well, Sir, in cases of unlawful assemblies which crop up without notice, when the authorities have no knowledge of them, our Magistrate who is entrusted with the power should have the freedom to use his discretion. Maybe, to some that discretion may appear to be unwise. Maybe, to him and to others it may appear to be quite wise. Sir, when I see a person taking a crowd of people going to loot somebody's property, going to invade somebody's rights in a forcible way, then what is to be done? Sir, the ordinary police, the ordinary establishment will not be able to cope with it. The ordinary police, the regular police in the usual course are meant to look after law and order in normal circumstances where 99 per cent, of the people are law abiding. The ordinary police in a regular way are not meant to deal with extraordinary circumstances like people gathering in a mass for violent purposes. The ordinary police, therefore, Sir, are not expected to deal with unlawful assemblies. So whenever there is an unlawful assembly, granting this assembly becomes unlawful or becomes violent, then, Sir, the ordinary police arrangements that

may be made will be quite insufficient. Everybody should concede that. So when the ordinary arrangements cannot answer or meet the needs of the situation, then the Magistrate should have the power to call for extraordinary help. And so, Sir, the provisions made have been very wise. I should have conceded that the Opposition was just if, in dealing with this Bill, they had realised their responsibilities as citizens before they began to attack or cast a slur on lawfully constituted authorities. We should know, Sir, that by talking unjustly without any justification, we will be generating that spirit in the masses and when once the masses lose respect for the Government, then whichever Government may come, whatever Government may come to be constituted, people will not develop any respect for that Government. So, Sir, in the interests of law and order, in the interests of the safety of the liberty, personal freedom, right of property of every citizen, it is necessary for us at this stage in this country not to persuade people from their respect and loyalty to Government. With these words, Sir, I support this Amending Bill.

{Several hon. Members rose to speak.}

MR. CHAIRMAN : I find quite a large number. I think we have had satisfactory discussion. I would therefore allow Members to speak but would impose a restraint on time. Five minutes each.

DR. R. B. GOUR (Hyderabad) : Mr. Chairman, Sir, I come from that part of the country—Hyderabad, Te-langana—which has suffered most at the hands of the armed forces of not only the Nizam and the British but of this present Government, the Government of Pandit Nehru and Shri Go-palawami Ayyangar. I therefore oppose this Bill with the full vigour that I can command. Go to Telangana, go to the people of Hyderabad who have suffered most under the armed forces and they will tell you what they

[Dr R. B. Gour.] really see when you come out with this Amendment Bill. They know and we in Hyderabad also know that there was an occasion when the Government of India was being advised to bomb the villages of Telangana. I know that British Chief of your Air Force had gone to Telangana to reconnoitre and to see the conditions there and see which places could be bombed in order to terrorise the people of Telangana to submission. I know, Sir, that a big protest movement was organised. Spontaneous protests evolved when this sort of news crept into the local press there and the Government of India had to openly commit that they were not planning to do all that. And now this amendment would keep their hands quite free to do whatever they like, to bomb the people wherever they find such agrarian disturbances.

Now, in one of the debates it was revealed that the Government of India feels that there are going to be agrarian disturbances. I think the hon. the Home Minister himself has said like that. Well it is to suppress, to drown in blood such agrarian struggles of our peasantry, out starving peasantry, that this amendment is being brought forward to use Air Forces and extraordinary forces. Not only that, but we know that our workers, workers in the dockyard, workers in the port cities are fighting to secure their just rights and it is to suppress such workers that this Act is being amended for using naval forces. Whatever the armed forces have done in Hyderabad or even the land forces have done in Hyderabad is a tale that need not be revealed. I challenge this Government to accept the challenge of Dr. Jaisooriya in the other House who has given these figures of these atrocities that have been committed there. Not less than 50 thousand people were arrested in Telangana.

SHRI GOVINDA REDDY : Has the hon. Member assessed the figures properly ?

DR. R. B. GOUR : I am challenging the Government with a full sense

of responsibility. We are giving these figures to you. If you think that these figures are wrong, by all means appoint an Enquiry Committee of legislators, of people and of Opposition and then see whether these figures are right or wrong. *(Interruption.)* In season and out of season you have been condemning the people of Telangana. You have been saying that these people are murderers. You have been saying that they are jungle men. Why don't you appoint an Enquiry Committee to find out facts ? Why don't you appoint such a committee especially when I have thrown this challenge, to find out what these armed forces have done in Hyderabad ? They have killed hundreds of our peasants there. They have.....

KHWAJA INAIT ULLAH : How many men have you killed ? *(Interruption.)*

DR. R. B. GOUR : I challenge Government to set up an enquiry Committee. Why don't you appoint that committee ?

(Interruptions by several hon. Members.)

MR. CHAIRMAN : The hon. Member should address the Chair and not answer arguments.

DR. R. B. GOUR : Yes, Sir, but why are they addressing me ? Seventy comrades have died in the jails. Such are the atrocities that have been committed on the people of Hyderabad, and on the people of Telangana, on the peasantry in Telangana. Now you want more powers, more powers to use air forces and naval forces. We know that even the Britishers did not demand such powers from their kept legislatures. It is clear that these people are beginning to lose the confidence that the people had in them. Therefore they are resorting to such an atrocious authority and are wanting more powers from us. Well there are people in India who thought that the presence of Opposition in the legislatures of India will be a control and a check on the Government, but unfortunate! Sir, the very presence of

Opposition is driving them to more and more panic and they are therefore resorting to more and more authority in order to crush the people of India, an order to crush the Opposition.

Therefore, Sir, I say with all the emphasis at my command that this is an atrocious measure that the Government is wanting to be got through. By this they want more authority and this should be denied to them. Well by using their majority here they could do anything they like, they could pass this amendment. But let me tell them that the people of India are not going to stand by them in this measure. Let me tell them that it they behave in 'he same way as Britishers are'*doing in Malaya and other atrocious Governments have done elsewhere, then their fate is also going to be the same.

MOULANA M. FARUQI (Uttar Pradesh) :

مولانا ایم - فاروقی (اتر پردیش) :

جناب صدر صاحب! میں اس بل کی تائید کرنے کے لئے کھڑا ہوا ہوں۔ جب یہ بل پیسے ہوا تو میری تو سمجھ میں یہ آیا کہ یہ سیدھی سادی صاف بات ہے کہ ہمیں ہندوستان میں لا ایلڈ آرڈر (law and order) قائم کرنا ہے اور اس کے لئے جو بھی قانون ہم مناسب سمجھیں وہ سامنے لائیں اور اس سے ہندوستان کے انتظام کو درست کریں۔ کہونکہ آپ کے سامنے ہندوستان کی ایک تاریخ ہے جو کہ کئی سو برس پرانی نہیں بلکہ کئی ہزار برس پرانی ہے کہ جب یہی ہندوستان نے آزادی لی سانس لی تو دو چھڑوں نے اسے برباد کیا۔ سب سے پہلی چھڑا آپس کے چھکڑے ہے حالانکہ مجھے اس وقت اس سے بحث نہیں اور دوسری چھڑا لا ایلڈ آرڈر کا نہ ہونا ہے۔ آپ کو یاد ہوگا اور آپ کے بوزھوں نے آپ

سے تذکرہ کیا ہوگا کہ جب سنہ ۱۸۵۷ء میں ہندوستان کی آزادی کی پہلی تحریک لڑی گئی اور اس کے بعد انگریزوں نے اس تحریک کو ختم کیا تو باوجود اس کے کہ انگریزوں سے فیہر معمولی نفرت تھی اور ان کے خلاف انتہائی فضا تھی لیکن پھر بھی چونکہ انگریزوں کے پہلے ہماری حکومتیں کمزور تھیں اور لا ایلڈ آرڈر نہیں تھا اس لئے جب انگریزوں کی حکومت آئی تو لوگوں نے تیلڈی سانس لی اور انہیں یہ اندازہ ہوا کہ کچھ تو سانس لینے کا موقع ملا ہے اور مار پیٹ لوٹ مار اور اس قسم کی چیزیں کچھ ختم ہوں۔ تو یہ آپ کی تاریخ کا ایک بہت بڑا چیز ہے جسے کہ آپ کو اپنے سامنے رکھنا چاہئے۔

آپ نے دیکھا کہ سنہ ۱۹۴۷ میں جب پچاس برس تک آزادی کی تحریک کرنے کے بعد مہاتما گاندھی کی لیڈرشپ میں ہم نے آزادی حاصل کی تو جس فضا نے ہمارے اوپر حملہ کیا وہ بلوے کی فضا تھی لوٹ مار کی فضا تھی آپس کے چھکڑے کی فضا تھی اور ہم بڑے شور کے ساتھ اور فخر کے ساتھ کہہ سکتے ہیں۔ چاہے کانگریس پارٹی کو کتنی ہی گالی دی جائے کہ کانگریس پارٹی جب حکومت میں آئی تو اس نے نہرو جی کی لیڈرشپ میں ملک میں لا ایلڈ آرڈر کو قائم کیا جبکہ اس کے بارے میں اس وقت بہت زیادہ لوگوں کو مایوسی تھی اور ہر طرف کی نکالیں دیکھ رہی تھیں کہ ایسی صورت

[Moula na M. Faruqi.]

ہو کہ ہندوستان آپس میں لوتا لوتا اتنا کمزور ہو جائے اور تھک جائے کہ ہم کہہ سکیں کہ ہماری یورپ کی سرائیڈیشن (civilization) بڑی اچھی ہے مضبوط ہے اور ہندوستانیوں کو لائڈن آرڈر کا آرام دینے کے لئے ہم تیار ہیں اور یہاں لائڈن آرڈر قائم کریں گے۔ تو یہ سب سے اہم چیز ہمارے سامنے ہے۔

کچھ لوگوں نے بیان دیا کہ کیمتے میں اور تلڈانہ میں یہ واقعات پوچھے آئے۔ معلوم نہیں کہ انہوں نے یہ بیان امدڈمنٹ کی تائید میں کئے یا مخالفت میں۔ بظاہر تو انہوں نے امدڈمنٹ کی مخالفت ہی میں بیان کیا لیکن میں سمجھتا ہوں کہ اس سے زیادہ اس کی تائید ہو نہیں سکتی۔ کہونکہ اس میں یہ مانا گیا ہے کہ ابھی بھی ایسی حالت قائم ہے جس میں کہ لائڈن آرڈر کو قائم رکھنا بہت ضروری ہے۔

ہمارے دوستوں نے کہا کہ برٹش گورنمنٹ نے ان لائل اسمبلی (unlawful assembly) کو قسہرس (disperse) کرنے کے لئے بہت سے ظلم کئے۔ میرے بھائیوں نے یہ بھی کہا کہ آج جو پارٹی ہرسراڈنڈار ہے اور حکومت کی ان کرسیوں پر بیٹھی ہوئی ہے اسی کانگریس پارٹی کو انگریزوں نے ان لائل قوار دیکھا تھا اور آج وہی پارٹی اس طرح کے قانون یہاں ہمارے سامنے لا رہی ہے۔ لیکن

میرے بھائی یہ بھول گئے کہ کل جو حالت تھی وہ آج نہیں ہے۔ پہلے ایک باہر کی گورنمنٹ تھی جس کو ہمارے ساتھ کوئی ہمدردی نہیں تھی اور نہ ان کا ہمارے ساتھ کوئی تعلق ہی تھا۔ ہمارے اوپر وہ ڈامینیشن (domination) چاہتے تھے وہ ہمارے اوپر قبضہ چاہتے تھے وہ ہم آکو غلام بنائے رکھنا چاہتے تھے اور اپنی اقتصادی اور تجارتی ضرورتوں کو پورا کرنا چاہتے تھے اور اپنے انٹریسٹ (interest) کو محفوظ رکھنا چاہتے تھے اور ہندوستانیوں کو اپنے ساتھ پھنسانے رکھنا چاہتے تھے۔ ان کو ہمارے ساتھ کوئی ہمدردی نہیں تھی لیکن آج سب ہمارے بھائی ہیں چاہے وہ اپوزیشن میں ہوں یا کانگریس میں ہوں سب ایک ہیں اور اس ہندوستان کے ریلے والے ہیں اور ہمارے آفسرس بھی اس ہندوستان کے بسنے والے ہیں اور ان کا انٹریسٹ اور اپوزیشن کا انٹریسٹ سب ایک ہے۔ میں نہیں سمجھ سکتا کہ اس قسم کے واقعات جو کہ برٹش حکومت کے زمانہ میں پوچھے آئے تھے آج کیسے پوچھے آسکتے ہیں اور کیسے وہ ہم سے بدظنی کر سکتے ہیں۔ ہمارے اپوزیشن کے بھائیوں کے دل میں یہ مس اندرستینڈنگ (misunderstanding) کیوں ہے کہ اگر کوئی بل کانگریس پارٹی لاتی ہے تو وہ دوسری پارٹی کو کرش (crush) کرنے کے لئے رکھتی ہے۔ میرے خیال میں یہ ایک ایسی بدظنی ہے جس سے بڑے نقصانات رونے والے ہیں۔ اس

کا نتیجہ یہ ہے کہ ہم کوئی اچھی چیز ہندوستان کے لئے نہ کر سکیں گے کیونکہ ہم جو اچھا قدم بڑھائیں گے اس کو یہ سمجھیں گے کہ یہ برا ہے اور ہر چیز میں اپوزیشن کیا جائے گا۔ کوئی کانستریکٹو (constructive) چیز نہیں بن سکے گی۔ میں دیکھ رہا ہوں کہ معمولی معمولی ریزولوشن (resolution) جو پیش ہوتے ہیں اس پر بھی اتنی بحثیں ہوتی ہیں اور مخالفتوں ہوتی ہیں۔ مخالفت اگر کسی کانستریکٹو چیز کو پیدا کرنے کے لئے پیش کی جائے کسی فنڈامینٹل (fundamental) چیز کو پیدا کرنے کے لئے یا کسی بنیادی چیز کو پیدا کرنے کے لئے مخالفت کی جائے تو وہ ہر موقع پر قبول کی جا سکتی ہے اور اگر وہ گالی کے ساتھ بھی مخالفت کی جائے تو ہم سے قبول کر سکتے ہیں۔ ہمارے بھائی نے ڈیموکریسی کا تذکرہ کیا۔ میں آپ سے پوچھنا چاہتا ہوں کہ آج ہندوستان میں تقریر کرنے کی لکھنے کی گالی دینے کی جتنی آزادی ہے اتنی آزادی کہا اس سے پہلے کبھی تھی۔ آج باوجود اس کے کہ ہمارے پریس اور ہمارے بڑے بڑے نہتے گوند پھلائے ہوئے بیٹھے ہیں کہ آپ انہیں اور ہم سے ملکر کام کریں اور ہندوستان کے بڑے بڑے ہندوستان کی ترقی میں کوشش کریں لیکن ایڈت کا جواب پتھر سے دیا جاتا ہے انہیں برا بھلا کہا جاتا ہے اور تب بھی کبھی ان کے ماتھے پر شکن نہیں آتی۔ اس سے بڑھکر اور کیا ڈیموکریسی

ہو سکتی ہے۔ آج آپ گالی بھی دیتے ہیں اسٹرائٹک (strike) بھی کرتے ہیں اور ڈیمانستریشن (demonstration) بھی کرتے ہیں لیکن جب تک کہ عام لوگوں کا نقصان نہیں ہوتا وہ چپ بیٹھے رہتے ہیں۔ لیکن لالہس نیس (lawlessness) کو روکنا تو ہر حکومت کا فرض ہے۔ راجستھان میں آج قارے پڑ رہے ہیں اور پزیشانی بڑھ رہی ہے۔ اگر لالہس نیس کو اسی طرح چھوڑ دیں گے تو وہ ایک ہی جگہ پر نہیں رہے گا بلکہ سب جگہ پھول جائے گا۔ آپ یہ سمجھیں کہ لالہس نیس ہوگا تو ہم ترقی کر جائیں گے اور ہم بڑھ جائیں گے اور ہماری پارٹی عوام کو ساتھ لے لیگی تو ایسی بات نہیں اس میں ذرا غلطی ہے۔ اگر قانون نہ بنے گا تو اس کے یہ معنی نہیں ہیں کہ قانون نہ بننے کی صورت میں کوئی پارٹی یا مخالف پارٹی برسرِ اقتدار ہو جائے گی۔ پھر دوست مجھے معاف کرینگے ذرا کڑوی بات ہے لیکن مجھے عرض کرنا ہے کہ یہ تمام قانون جو لائیڈ آرڈر کو بنائے رکھنے کے لئے بنائے جاتے ہیں یا جو ترمیمیں ہم کرتے ہیں جس سے کہ ہم ایڈمنسٹریشن (administration) کو چلا سکیں ان سب کی مخالفت صرف اس لئے کی جاتی ہے کہ ہندوستان میں ڈسٹربنس (disturbance) ہو ہندوستان میں بدنظمی ہو اور ہندوستان میں لالہس نیس ہو اور اس کا نتیجہ یہ ہے کہ عوام برباد ہو اور اڈھر اڈھر پزیشان ماری ماری پھرے اور پھر کمونہزم

[Moulana M. Faruqi.]

یا کوئی ایسی پارٹی آجئے جنکی تہدوری (theory) یہ ہے کہ جہاں تک ڈسٹریکٹس ہوں گے جہاں تک پریشانیوں ہوں گی وہاں تک تک لوگوں کو تکلیفیں ہوں گی وہاں تک۔ میونسپلٹیوں کا دخل ہوگا۔ تو میں کہوں گا کہ کسی ہندوستانی سے اس کی امید نہیں ہونی چاہئے کہ وہ اس ناطہ نظر سے دیکھے کہ ہندوستان میں بدنظمی ہو اور اس کا یہ نتیجہ ہو کہ کوئی خاص آدمی یا کوئی خاص پارٹی برسراقتدار ہو جائے۔ یہ ضروری نہیں ہے کہ ہمیشہ ایک پارٹی ہی حکومت میں رہے ایک پارٹی برسراقتدار رہے لیکن میں یہ بتانا چاہتا ہوں کہ آج جو قانون بنائیں گے ان سے آگے آنے والی حکومتوں کو بھی آسانی ہوگی۔ میں تو کہوں گا کہ اگر آپ لوگوں میں کام کریں گے تو آئندہ آپ کے ساتھ لوگ جائیں گے۔ پانچ برس کی مدت کوئی بہت بڑی مدت نہیں ہوتی۔ لیکن اگر آپ اسی قسم کی مثال پیدا کریں گے جو کہ ملک کے لئے نقصان دہ ہے تو آپ کو خود بھی دقتیں اٹھانی پڑیں گی۔ میں اس کو تسلیم کرتا ہوں کہ جتنا آپ کے ساتھ ہو سکتی ہے اور اگر کل جتنا آپ کو بھیجا تو کیا آپ یہ سمجھتے ہیں کہ یہ جو بدنظمی پیدا کرینگے وہ آپ کے حق میں ہوگی۔ تاکہ اور چور سب رہیں گے کہیں چلے نہیں جائینگے اور وہ سب مختلف ناموں سے بدنظمی پیدا کرینگے اور ان کو روکنے میں آپ کو کافی دقت ہوگی۔ میرا تو

کہنا ہے کہ آپ کو اس سے کہیں زیادہ دقت ہوگی جتنی کہ ہم کو ہوتی ہے اس لئے میں آپ سے بڑے درد بھرے دل سے یہ درخواست کر سکتا ہوں کہ آپ آئندہ کو اپنے سامنے رکھ کر اس بل کی تائید کریں اور آپ کو یہ سمجھنا چاہیئے کہ دوسری جماعتوں کے ساتھ ملکر ہندوستان میں لائینڈ آرڈر قائم کرنا ہے اور ہماری پارٹی پورے طور سے اس سلسلہ میں جو بھی قدم اٹھانا ہو اس میں ہاتھ بٹاتی ہے۔

وہ گیا کہ کچھ انسر کرپٹ (corrupt)

ہیں یا نہیں ہیں اس کے بارے میں کونسل آف اسٹیٹس کا اور ہاؤس آف پیپلز کا جو مہینے بھر سے سیشن ہو رہا ہے اس میں سینکڑوں بل آئے ہیں جس میں آپ کے سامنے اس کرپشن کو دور کرنے کے لئے بہت سی باتیں کہی گئی ہیں۔ ابھی گذشتہ ہفتہ میں ایک بل کرپشن کو دور کرنے کے لئے چل رہا تھا۔ تو کرپشن کو ہم اور آپ دونوں ملکر دور کر سکتے ہیں۔ چلتا اور حاکم دونوں ملکر دور کر سکتے ہیں۔ اگر حاکم یا اتھارٹی (authority) کرپٹ ہیں تو اس کا مطلب یہ نہیں ہے کہ کوئی قانون نہ بنایا جائے بلکہ ہمیں ان کے کرپشن کو دور کرنا ہے۔ کسی قانون کے بنانے سے روکنا اس کے معنی میری سمجھ میں نہیں آتا۔ صرف اس وجہ سے کہ کہیں تھورا بہت کرپشن ہے اس لئے قانون نہ بنایا جائے یہ تو کوئی سمجھ میں آنے والی بات نہیں ہے۔

ان الفاظ کے ساتھ میں پھر پھر
 ہوئے دل سے ہاؤس سے اپیل کروں گا
 کہ اس بل کو پاس کیا جائے -

[For English translation see Appendix II, Annexure No. 56.]

PRINCIPAL DEVAPRASAD GHOSH (West Bengal) : Mr. Chairman, I have no desire of adding one more broadside to the fierce broadsides that have been kunched against the Treasury Benches over this Bill which the hon. Law Minister has characterised as a very simple and innocuous Bill. Sir, I find that the torrential eloquence that has proceeded from this side of the House has practically swept the Treasury Benches clean, leaving only the lone and solitary figure of our hon. Law Minister high and dry to bear the brunt of all this terrific broadside.

The situation that now faces the Treasury Benches seems to border on the pathetic. Sir, it is almost of the nature of an aryⁱ-climax. For, some weeks ago when we read a notice that an amendment was proposed to be brought forward to the Criminal Procedure Code of 1898, enabling the Magistrates, in times of necessity, to invoke the assistance of the Army, Navy and the Air Force to break up and disperse unlawful assemblies, we, of the Opposition, whether of the Communist or Communalist variety, who are supposed to have specialised in the art of whipping up unlawful assemblies on all possible and impossible occasions, at a moment's notice, felt duly impressed. Indeed to tell the truth, our vanity was tickled. We felt immensely flattered. We never knew that we were so terrible that all the resources of the armed might of this secular non-violent State of ours, of all varieties consisting of the Army, Navy and the Air Force were required to be mobilised against our unlawful assemblies. But alas ! though our vanity was tickled and we felt inflated, something happened a few days ago in the other House which practically spoiled the whole show. When Members of the Opposition in the House of the People felt that the Government

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was trying to unleash all its might, then they naturally tried to furbish up their armoury. Their armoury, however, consisted of nothing more than instruments of bombardment, of course of the vocal variety; and when they « began that bombardment, a very curious thing happened. Our hon. Home Minister whom we are very sorry not to find on the Treasury Benches here in this House to listen to this very interesting debate, for the moment relaxed. I don't mean any personal reflection, but the hon. Dr. Karju, who seems to hide a perpetual scowl beneath his bushy eyebrows, relaxed, and said " Well, friends of the Opposition, what do you mean ? Who is talking of bombardment ? You have opened a bombardment on us. We are very non-violent and we have not the slightest intention of doing anything so horrible. We did not mean to have recourse to aerial bombardment nor did we mean naval bombardment." Then somebody in the Opposition asked "What, for God's sake, did you mean ? " Dr. Katju said : " Don't you understand ? There are odd bits of nooks and corners in this vast land of Hindustan where there nrp not adequate land forces or members of the army; and supposing som'; of you friends whip up some trouble there, what shall we do ? It may be that some naval detachments or Air Force boys may happen to be there doing nothing in particular, perhaps indulging in water-polo or flying stunts: We will call upon them and ask them to lend a hand to smash up these unlawful assemblir; with lathi charges and tear gas shells. Why do you suppose that we will do anything more than that ?" So, in the face of that disarming statement of Dr. Katju what can we do ? The Opposition has almost lost its occupation, and that is why my esteemed friend Mr. Reddy said just now that he quite appreciated that the changes now being proposed to be introduced into the Bill' were more or le"ss paltry changes, and therefore he delivered his tirades and broadsides on the entire adminhtra-tion of the Criminal Procedure Code by our Magistrates. I appreciate that our occupation is gone."

[Principal Devaprasad Ghosh.]

IO A. M.

I shall not take much more time of the House. With our occupation gone, it is hardly worth while. I would * only suggest this. If the Government, in all its wisdom, may toe a bit belated, has decided upon a strategic retreat in the face of the combined Opposition, why not have the graciousness to go a little further and go the whole hog, and have the good grace of withdrawing the amendments altogether and finish this thing in a manner which would please all the Parties ? Thank you, Sir.

SHRI RAMA RAO (Madras) : Mr. Chairman, Sir, these two days we have had a very typical exhibition, may I say, a pitiful exhibition, of the psychosis of fear, hate and suspicion on the Opposition Benches of whatever the Congress does, great or small. I deeply admire the extraordinary admixture of socialism and communism on this particular issue. I thought the socialists had a greater sense of responsibility, because nothing has made some of us in the Congress more sorry than that, as a result of the general elections, they lost heavily everywhere and they have not been able to form an administration of their own in some parts of India. I do fondly hope and fervently pray that the time is not far off for the Socialists to form a Government of their own. Then I want them to remember the speeches they are making today. They will be called upon to govern this country and if they want to govern, they will have to make use of the very apparatus we are creating. We are both a police State and a welfare State and we cannot do without the apparatus of the police and the Criminal Procedure Code is one of the most useful pieces of legislation in the world. It will be helpful to the Socialists tomorrow as it is helpful to the Congress today. Speak, but speak with a sense of responsibility. Sir, much objection has been taken to the contemplated use of the Navy and the Air Force. Now in the United State- the most famous corps is the Marine Co<-ns. The other day

President Truman insulted it and he had to apologize for the insult. You can then understand the importance of the marines in the scheme of national defence. In the British Empire we know that the marines are landed here and there wherever there is trouble. I believe Mr. Winston Churchill was in one of those Corps in the First World War. Similarly, they use the Air Force also. Now, in a country of vast distances like ours, with deserts and forests, it is possible we shall have to use the Air Force, not to bombard any place from the air, but to parachute forces to intercept the men in an insurrectionary mood. You cannot tell what may happen, certainly not when the communists are up and doing. Therefore it would be perfectly right for the Government to equip themselves with proper powers to quell unforeseen disturbances.

It has been said that the Congress Government here is going against the Fundamental Rights. I ask, what are these Fundamental Rights against which we are now acting ? I challenge the opponents to go to the Supreme Court on this question and I am confident that the legislation that we are discussing | today will be supported by that Court. It is quite within the ambit of the fundamental Rights.

The opponents ask whether the Congress is going to use the police and the army all the time. They ask the question, "Is this your reply to the forces that are gathering against you, claiming social justice ?" My answer is a very simple one. If this were the only thing that the Government had been doing, then it would be wrong; but along with this attempt, we are also doing our level best to remove the discontent, hunger and suffering of the people. Let us give the Government a little time, but time we shall not get so long as we have to deal with these extraordinary elements which are, out to destroy the young Republic. I say it is a mercy that we can call in the aid of the military in case of need. Between 1924 and 1939 there were riots almost every alternate day in Bombay. It was

bean-feast for us working on the evening papers to have a riot, for a riot, and a larger circulation. When the Congress took over the Government in 1938, riots once again began and the police again began to play their mischief under the inspiration of their British masters. But Sardar Patel headed in the aid of the military before anybody knew what was happening. Mr. Krishna was the Home Minister and, believe me, in one day the riots were put down. That was because the Congress was ruling and ruling well. It displayed to the world at it could rule, and rule even better than the British Government could.

Sir, my friends of the opposition are not exaggerating their own importance. They assume an importance which, however, they do not deserve. I can assure them that they are not the only people who are writing and speaking, and thus creating mischief in this country. There are others also who create mischief. We have had, as we know, communal riots, we have had caste riots, agrarian riots, political riots, industrial riots, and now, thanks to the communists, bread riots too. Why do the Communists think that they are the only people out to do mischief? We have to deal with other elements in the country also. Is it not our duty, therefore, to see that in all these fields we protect the people?

Sir, may I now make an appeal to the Home Minister, and in his absence to the Law Minister? An hon. member over there quoted Gen. Dyer, trust he was born when the Amritsar massacre took place, though I am not sure. At least that was the year in which I was born as a journalist. I know that lots of things can be said with regard to the administration of the preventive sections of the Criminal Procedure Code. We had a lot to do with them under the British and we still perhaps have a lot to do with them even in Free India. Now, when is an assembly unlawful? When does an assembly actually become unlawful? When does it

cease to be unlawful? These things should be made clear. When have the police the right to take the aid of the armed forces, in what manner and to what extent? What is the "minimum force" and what is the "maximum force"? And what are the circumstances that justify the use of this force? There are other important questions also. I would therefore request the Government, in the name of the Congress and in the name of decency, that any rioting in which human lives are lost should be immediately followed by a judicial inquiry. I insist on this because I can not forget that this was a demand we were making under the British regime. The fact that we are a free Republic now does not make the slightest difference to me, for where human life is lost, somebody has got to account for it. Sir, I will remember that after the Hunter Report, His Majesty's Government laid it down that there should be as little violence used by the police or the army as possible. A resolution later passed by the Central Assembly (under the Montague Chelmsford Reform), and moved by Shri Jamnadas Dwarakadas, stated that Indian lives should be regarded as sacred as British lives. That Resolution was accepted on behalf of the Government of the day. I want our Government to remember that. Human personality is sacred and in a democracy it is much more sacred. If you have got to shoot people, by all means do it, but justify yourselves before the public, and justify your actions before God and man.

SHRI TAJAMUL HUSAIN (Bihar): Mr. Chairman, this is a simple little Bill and I never for a moment thought there would be so much of discussion on it. This Bill only seeks to bring in an amendment to a section of the Criminal Procedure Code. Under the Criminal Procedure Code, Magistrates in cases of unlawful assemblies which they could not control with the help of the police, were empowered to take help from the army. When the Code was enacted there were no Air Forces and perhaps there was hardly any Navy worth the

[Shri Tajamul Husain.] name. Therefore the question of taking the help of these forces, or empowering the Magistrate to take help from men belonging to the Air Force or the Navy could not have arisen. Now the times have changed. So a simple amendment has been brought forward to say that in case of real necessity and real danger, the Magistrate must have the power to take help from the Air Force and the Navy. My hon. friend Mr. Reddy was saying that he did not trust the Magistrates. I think he said that they were incompetent and they misuse their powers.

SHRI C. G. K. REDDY : Not incompetent; indeed they are very competent for wrong purposes.

SHRI TAJAMUL HUSAIN : He said that they misuse their powers. I wish to say, Sir, even if this Bill had not been brought in, they have got sufficient power under the Criminal Procedure Code to misuse their authority in such a way that not a single Communist could live in India. I can assure my hon. friends that it is because our Magistrates do not misuse their power that the Communists are alive. The very fact that they are alive and are Members of Parliament and Assemblies shows that these powers are not misused by our magistracy. Of course, there might have been stray cases of excesses or misuse; but generally speaking, you cannot say that the entire magistracy and the entire judiciary of India are bad.

Another hon. Member was talking about revolutions. He said that he believed in revolutions, that a country cannot progress except through revolutions. He went on to say that he wants the overthrow of the Government by revolution and gave the examples of the French Revolution and various other revolutions. He mentioned various other revolutions. One lesson of history, he has forgotten, Sir. History tells us that there has been no revolution in the world where democracy existed. Where there was autocracy, where the King was supreme.

revolution was necessary. They do not have removed the Czar of Russia; without a revolution; they could have hanged Charles I of England; without a revolution; they could have put to the guillotine Louis XVI of France. You do not require a revolution in India. The revolution in India is the people and the ballot box every five years. Last time you could not succeed because the people did not want you. They wanted the Government. If you go on preaching your doctrine before the public for another five years you may form a Government. Even before that you do it. Your people are there in the House of the People. They can make a motion of no confidence in the Ministry and turn them out. You believe in revolution. Suppose others also as you do. What would be the result? Then it can go on forever. You will take power and by force; if others also want power by force, there will be no end. Communism may be good if it had not two objectionable features.

MR. CHAIRMAN : Let us not have a discussion about that. Get along to the Bill, without saying anything about Communism.

SHRI TAJAMUL HUSAIN : I am talking about the Bill, Sir. Let me tell you about the two features. (*Interruption*). I do not know what he says, Sir. I will ignore it. Government ought to be protected—I do not mean which Government—Magistrates should have power to call in the military force in case of dire necessity and under special and peculiar circumstances when police force is not sufficient and the public have to be protected.

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. BISWAS) : Mr. Chairman, after the speeches which we have heard come from all sides of the House, I do not think that I need say very much. The speeches cancel each other. So as the Bill is concerned, in spite of that which has come from the opposite side I venture to say that there has been little real criticism of the act.

visions which it is sought to introduce by this amending Bill. Mr. Reddy himself said that his opposition is not against this Bill.

SHRI C. G. K. REDDY : No. Opposition is to the Bill.

SHRI C. C. BISWAS : I quite appreciate it. You oppose the fundamental principle underlying this Bill and the original Act. I quite appreciate that. He has said that so far these amendments go, the position altered very little. You have the Army. You merely add to the Army the 'aval and the Air Forces. That makes 3 difference. The objection is fundamental. It is asked "Why should you use force at all of any kind, whether on the Army or from the Navy or on the Air Force, for purposes of dispersing unlawful assemblies? Aren't unlawful assemblies very* 'lawful'? Therefore, why should you take any powers to check such activity as if it was lawless?" That was the trend of the argument, if I followed my hon. friend. There may be little to say in regard to the specific amendments proposed, still, according to the best and well established parliamentary traditions, there is a chance of going for the Government, and no chance of doing so should ever be missed. I know, Sir, here are persons of perverted mind who sometimes find great delight—I was almost going to say fiendish delight—if they have a chance of abusing their opponents. I can quite appreciate that, but I thought Members of this House were above that sort of mentality, that kind of psychological failing. We are here to examine a particular piece of legislation on its merits, not just to oppose the other side. As one of my hon. friends has reminded the House, Sir, it may be that another party will be in power after some time. The Treasury Benches may have to exchange seats with my friends on the other side. Am I to understand that, at that time, those who sit on the Treasury Benches will disown responsibility for such measures as we have now?

SHRI C. U. K. REDDY : Certainly.

SHRI C. C. BISWAS : I shall not live to see that day, but others will, if that day ever comes. In the history of the whole world, that day has not yet come anywhere, not even in Russia. Sir, my hon. friends talk of democracy, of freedom and all that sort of thing, as if that was the monopoly of any particular party in the country. I affirm with all the conviction that I am capable of that the present Government of India, is the most democratic Government in the whole world. Who made it possible for my friends to come here, who gave them all the facilities at the last General Election to come, in a democratic way, to this House? If this Government were out to crush their opponents, there were very easy methods of doing so, such as find favour in other parts of the world. Well, Sir, they have not done it. They hold, to the ideal, to the creed, to the policy, to the philosophy which the Father of the Nation has bequeathed to them. We stand by that ideal and claim that whatever we do, even in taking power to crush lawless activities, we have not departed from that ideal.

SHRI C. G. K. REDDY : Question.

SHRI C. C. BISWAS : Sir, do my friends feel that the use of force should be the privilege of one section of the people—not of the Government—and the Government must remain silent spectators of any riots or revolutions that may be carried on by that other section—is that what we are required to submit to? Sir, so long as any Government, any established authority is there, that authority, I say must arm itself with sufficient powers to suppress and to crush all that makes for negation of liberty, all that makes for negation of freedom and all that makes for the loss of real liberty. Liberty does not mean that I should be free to do whatever I like, but not the other man. My liberty is conditioned by the liberty of my neighbour. That must not be forgotten and, therefore,

[Shri C. C. Biswas.] Sir, if you want the true democratic ideal, you must be in a position to reconcile conflicting ideals, and adjust conflicting claims of party and party.

Let the anchor hold. Then we shall not go off our moorings, but, Sir, in vain do I look for any signs from my friends to help us at all in that direction.

So far as this particular Bill is concerned, what is it that we find? If you refer to the original Act, Sir, you will find there is reference in section 128 to all the branches of the Armed forces—the Army, the Navy and the Air Force. It says that the Magistrate or Police Officer may require the assistance of any male person, and that male person is distinguished in this way, as a person "not being an officer, soldier, sailor or airman in the Indian Army, Navy or Air Force." So the Army, Navy and Air Force are all contemplated here. But then the Air Force and the Navy were not mentioned in the subsequent sections and for the reason I mentioned but to which no reference has been made by any speaker on either side, these are now proposed to be included. Sir, I said that after integration of the States, there were many areas where no military force would be available, although there were naval establishments or Air Force establishments. Government, therefore, thought that provision should be made that in such contingencies it should be possible to requisition the services of the Air Force or the Navy, where available. It is not the intention—I again repeat—to misuse these forces for some new purposes which were not already there. My friends opposite take this opportunity of saying: "Do away with all such measures against unlawful assemblies. Let them go on merrily, without any check or inhibitions, because that only would be freedom." It is no use arguing with persons who hold such views. Sir, you cannot convince those who are determined not to be convinced, and I do not think, Sir, that I am called upon to reply to these criticisms. They may be excellent stuff for an audience outside—and they

are speaking to the audience inside admittedly—where they have their friends waiting to shout slogan in admiration. That may satisfy some people but that will not satisfy others who would like to deal with facts and give some amount of thought and apply some amount of reason what they say or do. Sir, I commend this Bill to the House.

SHRI S. N. MAZUMDAR (VC Bengal) : If the intentions of the Government are good, then why is it that they refuse to accept our suggestion

MR. CHAIRMAN : The motion

That the Bill further to amend the Code of Criminal Procedure, 1898, as passed by House of the People, be taken into consideration.

The motion was adopted.

We shall now take up the clause clause consideration of the Bill.

Clause 2 was added to the Bill.

MR. CHAIRMAN : Clause 3. There are some amendments here, far as the first amendment is concerned—Shri Kishen Chand's—that is correct of order. Shri Surendra Nath Dwivedy may now move his amendment.

SHRI S. N. DWIVEDY (Orissa): I move :

That at the end of clause 3 of the Bill following words be added :—

"and the following proviso shall be added at the end, namely :

' provided that a state of grave emergency has been proclaimed by the President of the Indian Union in the area concerned '."

If the Government Party is anxious to see that the Executive does not use its authority more than what is necessary, then they will have no difficulty in accepting this amendment of mine. It is expected and it is being asserted that, only in exceptional circumstance this power would be used. But you know, Sir, as has been said by so many Members on this side, that this power has been abused. I myself can cite one instance in my own state of Orissa!

There a few labourers were holding a meeting in front of a textile mill which really belongs to Congressmen so to say, because they are in a majority in the Directorate. The ex-Chief Minister of Orissa was also in it. Sir, they were holding a meeting demanding certain relief. The policemen were there. They did not declare the meeting unlawful and they did not interfere with the meeting at all. But the Managing Director who happens to be a prominent leader of the Congress came forward and asked the labourers to disperse. They did not listen to him. What did he do? His vanity was wounded and he at once telephoned to the District Magistrate who was not on the spot. From Cuttack the military was requisitioned. This is how these powers are used. There are many instances like this. If the Government wants that this power should not be misused, if they want real democracy to function, the Executive must be told that they should not have more power than what is necessary. We are hearing so many things about unlawful assemblies. Perhaps because the Congress Party has got only 44 per cent, of the votes polled, they know that the majority are against them. And whenever others hold meetings and things like that, to them all these become unlawful assemblies because the Congress is afraid that they might ultimately overthrow their power.

SHRI C. G. K. REDDY : They will.

SHRI S. N. DWIVEDY : That is why they suppress the legitimate aspirations of the people. They want to suppress all movements even if the movement is directed against particular measures of this Government. My amendment is very simple and it is for them to decide. I am not objecting if in an emergency they want to use these powers, but I say, you accept this proviso." You restrict it to certain limits. Whenever there is emergency, whenever the security is threatened, then the President is there to declare State of emergency. Unless such a situation arises, why give the District

Magistrates and the Executive this power? This is my amendment and I hope they will accept it.

SHRI C. C. BISWAS : Sir, I oppose this amendment for this reason. If you look at these provisions relating to unlawful assemblies, you will see that the object is to take steps to prevent such assemblies from assuming dangerous proportions and the whole idea is to disperse these assemblies for that purpose. To do so we cannot wait till the President makes an Order declaring that there is an Emergency. Some action has got to be taken by the President under Article 352 of the Constitution. An elaborate procedure is laid down there, and if the object is to disperse an unlawful assembly and if the Magistrate is there, the Police Officer is there, and they find it difficult to cope with the situation, and if they think it necessary to requisition the help of the armed forces, is it suggested that they should wait till the matter is reported to New Delhi and the President proclaims a State of emergency? That is not a practical proposition. The Magistrate who is there, confronted with an unlawful assembly, and finds himself unable to disperse it by the application of civil force, has got to make up his mind then and there whether he should call in the aid of the armed forces for the purpose. If he has got to make a report to the President.....

SHRI S. N. DWIVEDY : The military police are sufficiently armed to deal with the situation.

SHRI C. C. BISWAS : Yes, that is the idea. When it is available, it should be used. You will recall what happened at Howrah, for instance, during the last riots. As a matter of fact it was the military who saved the situation. If the military had not been there, we do not know to what extent the riots would have spread. But when the military is not available, what is to be done? What is suggested by the proposed amendment is that no action should be taken until a state of grave emergency has been proclaimed by the

[Shri C. C. Biswas.] President of the Indian Union in the area concerned ! We must not forget the procedure which has been laid down in the Constitution itself and which will have to be fulfilled before an emergency is declared. From this point of view, the suggestion is wholly impracticable, and therefore I oppose the amendment.

MR. CHAIRMAN : The question is :

That at the end of clause 3 of the Bill the following words be added :

"and the following proviso shall be added at the end, namely :

'provided that a state of grave emergency has been proclaimed by the President of the Indian Union in the area concerned'."

The motion was negatived.

MR. CHAIRMAN : The question is :

That clause 3 stand part of the Bill.

The motion was adopted. Clause 3 was added to the Bill.

MR. CHAIRMAN : Clauses 4 and 5. So far as the amendments to these clauses are concerned, they are out of order.

" SHRI^KI SHEN CHAND "(HyderT bad) : Can I have an opportunity of explaining them ? - r-. ~ jg

' MR. CHAIRMAN : I have ruled them out of order. There is no need to explain.

Clauses 4 and 5 were added to the Bill.

MR. CHAIRMAN : Clause 6. The amendment of the hon. Member Shri Kishen Chand is out of order.

SHRI J. R. KAPOOR (Uttar Pradesh): I do not propose to move my amendment.

Clause 6 was added to the Bill.

MR. CHAIRMAN: Clause 7. There are a number of amendments to this clause.

SHRI K. C. GEORGE (Travancore-Cochin) : Sir, I move :

That in clause 7 of the Bill, at the beginning of clause (a) of the proposed section 132A of the principal Act the words " except for the purposes of section 128 " be inserted.

The purpose of my amendment is to prevent the misuse of this power by the Magistrates concerned. It has been argued on the other side that we are here because the Magistrates have been using their powers properly. In that case, I will turn the argument in my favour and say that they are here because the Magistrates under the imperialist Government did not misuse their power. But the fact is, in spite of their having misused the law we are here and they are there. My point is that they should at all costs, be prevented from misusing the powers. This amendment is intended only for that purpose. Section 128 of the Criminal Procedure Code reads :

" If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a police-station, whether within or without the presidency-towns, may proceed " to disperse such assembly by force, and may require the assistance of any male person, not being an officer, soldier, sailor or airman in the Indian Army, Navy or Air Force....."

That is to say, in the armed forces. And in this Bill "armed forces" is defined to mean the military, naval and air forces operating as land forces. Where the military is used under section 129 this provision should apply. But where the military is not used, that is, under section 128, the Magistrate should not be able to call in the naval and air forces operating as ground forces. Otherwise, any magistrate who wants the air force or naval force for the purpose of bombardment can use it. The loophole is there. I want really to prevent that. I do not know whether there is any such intention. Even supposing that Government have not the least intention to do that, the power is there and any magistrate can make use of it. Therefore, I want that section 128 should be exempted from the scope of the definition which is sought to be introduced. I need not show how this power

can be misused by the Magistrates if this law is passed. It has been done by others. We were told by the hon. the Law Minister that this is a minor amendment, that it is a very simple amendment, that we can pass it, that it has existed for many years, and so on. I cannot take it so lightly as that, in view of our past experience. Once the power is given into the hands of irresponsible magistrates, they try to find out loopholes in the law. This Bill as it stands at present is most dangerous and should be amended in the way in which I have suggested it should be amended. Sir, I move the amendment.

SHRI TAJAMUL HUSAIN (Bihar) : Sir, I move:

That in clause 7 of the Bill, in clause (a) of the proposed section 132A of the principal Act, the words "operating as land forces" be omitted.

Sir, we have to envisage contingencies, in any sea-coast part of India where violent disturbances may take place and the magistrate may not be in a position to requisition land forces. Is he to allow the situation to deteriorate, or is he to control it? A serious situation might arise, if you do not give power to the magistrate to requisition the naval forces. As regards the Air Force, a situation might also arise in a remote place where it is very difficult for the land forces to reach the place of disturbances and it may be necessary for the magistrate to call in the air force that is available. Why should he not do it in a case of emergency? I can assure my hon. friends to my right that these forces will not be utilised against them if they behave themselves properly. If they believe in breaking the law, if they believe in taking Government by violence, then violence must be used against them. If they had been in power, they would have brought in a law like this. And they would have done worse than this. What has happened in China and Russia? There is no democracy there. Power is there, and they do what they like. I say Communists should not be afraid of Government if they behave themselves, and Government will not use their forces against them.

SHRI J. R. KAPOOR : I do not want to move my amendment No. 9 unless the hon. the Law Minister feels inclined to accept it.

SHRI B. C. GHOSE (West Bengal) : Sir, I move :

That in clause 7 of the Bill, at the end of clause (a) of the proposed section 132A of the principal Act, the words " also operating as land forces " be added.

I confess that my amendment may be misconceived, because I am not a lawyer and therefore I have not understood the implication of this provision. I think the Government had accepted the proposition that whenever the navy and the air force was used, the personnel would only be used as land forces. "Operating as land forces"—this comes just after the expression " air forces ". The definition says that it includes also any other armed forces of the Union. That expression " operating as land forces " does not qualify "any other armed forces of the Union". I do not know what " any other armed forces " means. Apart from the military} naval and air forces I do not know what other armed forces there are.

SHRI C. C. BISWAS: The Territorial Army.

SHRI B. C. GHOSE : Is there no naval reserve? There may be an air force reserve. I am not sure. I wanted to be assured. If the Government say that by no stretch of the imagination, neither by hook nor crook, can the air force be brought under this clause "any other armed forces", I shall be satisfied. But I have an apprehension that the air force might come under this, and if it were so, I would press my amendment, that "operating as land forces" should also apply to " any other armed forces " ----- that they also will be used as land forces only. I want to make that clear by adding these few words there, as suggested in my amendment.

MR.. CHAIRMAN : Amendment I No. 11 by Shri Rajagopal Naidu is

[Mr. Chairman.] the same, except that the word "also" is not there.

SHRI RAJAGOPAL NAIDU (Madras) : Sir, my amendment is also the same as that of my friend Mr. Bimal Comar Ghose and now two minds are agreed in suggesting this amendment and it is only the mind of the hon. the Law Minister that has to agree.

SHRI C. C. BISWAS : I may say at once that I agree with both Mr. Ghose and Mr. Naidu that it will be much better if the words "operating as land forces" had been put at the end of the clause. But, Sir, this was accepted, as I pointed out before, at the suggestion of an hon. Member of the Opposition. He thought that would make clear the real intentions of Government. So the amendment was accepted in the form in which it was proposed. And if you accept this amendment now, that means further delay which is not desirable. But I can give an assurance on behalf of Government that if any other armed forces of the Union are requisitioned at any time, they will be requisitioned exactly on the same conditions as are laid down for ordinary military, naval and air forces.

(Interruption from hon. Members in the Opposition.)

MR. CHAIRMAN : I understand what you mean is that you are going to accept the principle of this amendment but you will not accept the amendment simply to avoid delay. But the point of view of the Opposition is, if it could be made clear by the insertion of these words, why should it not be made clear?

SHRI B. C. GHOSE : May I say just one or two words ? I am really amazed at the statement made by the Law Minister. First of all, Sir, we are not concerned here with what is happening in the other House. We are dealing with this matter here and if there has been any lacuna in the other House, the function of this House is to remove that

lacuna. Secondly the argument that because it has been passed in the other House, we should also pass it here, is not a sound argument. My submission is that if the Bill has been passed in the other House and if a lacuna has remained, we should remove it. The main purpose why this amendment was moved in the other House by the Opposition members was that naval and air personnel should not be used except as land forces and Government accepted that. But the question is where the qualifying words should come in. The Opposition members are not adept in framing amendments. It is for the Government to see that the intention of the House is rightly interpreted and put in the clauses and since that has not been done, that should be rectified. When I started speaking on this, as you might have observed, I was very cautious because I was not sure myself. I thought that the purpose which the Opposition and the Government had: would be sufficiently served by introducing these words in the place where they had been introduced. But I had my suspicion. And now that the Government has accepted the principle of this amendment, it should give effect to the amendment. This would mean saving of time of both the Houses because otherwise we shall have to come up with an Amending Bill later on to remove this lacuna.

SHRI C. G. K. REDDY : May I submit on a point of clarification ? We are prepared to accept the advice or the opinion of the hon. the Law Minister because he has been on the Bench for several years. But I would like to ask one question. Supposing a magistrate calls upon the air force or a naval reserve and asks them to bombard by air or by navy an unlawful assembly, then what would be his opinion if he were on the Bench, if a charge had been brought against the magistrate?

SHRI C. C. BISWAS : I said I do not object to the proposed amendment, but I have explained quite candidly why it may not be necessary to have it.

As a matter of fact the object of this amendment will always be kept in view, but if my friend presses on the same, I am prepared to accept the amendment, but in that case the language should be changed, and instead of saying " also operating as land forces " we can say " so operating ".

SHRI B. C. GHOSE : We agree to the change.

MR. CHAIRMAN : Now we come to the amendment of Mr. George.

SHRI C. C. BISWAS : Sir, that amendment will really take away the whole object of the Bill. He will limit this only to section 128. Section 128 merely says that a police officer or a Magistrate may require the assistance of any male person other than the one belonging to the armed forces, and the ' armed forces ' are specified as soldier, sailor or airmen in the Indian Army, Navy or Air Force. If we accept the amendment only for this section, then the real object of this Bill is altogether defeated. So I am afraid I will not be in a position to accept this amendment.

MR. CHAIRMAN : What about Mr. Tajamul Husain's amendment No. 8?

SHRI C. C. BISWAS : I cannot accept it.

MR. CHAIRMAN : The question is :

That in clause 7 of the Bill, at the beginning of clause (a) of the proposed section 132.A of the principal Act the words " except for the purposes of section 128" be inserted.

The motion was negatived.

MR. CHAIRMAN : The question is :

That in clause 7 of the Bill, in clause (a) of the proposed Section 132A of the principal Act, the words "operating as land forces" be omitted.

SHRI TAJAMUL HUSAIN : I would like to withdraw the amendment.

SHRI S. MAHANTY : What is the fun of moving an amendment and then withdrawing it ?

SHRI H. P. SAKSENA (Uttar Pradesh) : No, Sir, I do not give permission to withdraw the amendment. I oppose the withdrawal tooth and nail.

MR. CHAIRMAN : Has Mr. Tajamul Husain the permission of the House to withdraw the amendment ?

The amendment was, by leave of the House, withdrawn.

MR. CHAIRMAN : So far as the other two amendments are concerned, the Law Minister has accepted them in a modified form.

The question is :

That in clause 7 of the Bill, at the end of clause (a) of the proposed section 132A of the principal Act, the words " so operating " be added.

The motion was adopted.

MR. CHAIRMAN : The question is :

That clause 7, as amended, stand part of the Bill.

The motion was adopted.

I Clause 7, as amended, was added to the Bill. I

MR. CHAIRMAN : The question is :

That clause 1, the Title, and the Enacting Formula stand part of the Bill.

The motion was adopted.

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

SHRI C. C. BISWAS : Sir, I move : That the Bill, as amended, be passed..

(MR. DEPUTY CHAIRMAN in the Chair)

SHRI M. MANJURAN (Travan-core-Cochin) : Mr. Deputy Chairman, Sir, during the two hundred years that the British had been here, they did not care to bring in a measure of this kind, but now our Government has thought it necessary to bring in this measure. By doing this, they are doing a great injustice to the people of India. The Britishers also knew the use of the Navy and the Air Force much more than our present Congress Government do and yet they did not think that it was necessary to suppress riots and similar kinds of activities by the calling in of the Air Force, because riots and such other troubles had been fairly frequent occurrences in India due to the social conditions that we had. In a democracy like England, where, as one Member rightly pointed out, democracy had its roots from 1066, things are entirely different. Neither the Law Minister nor his advocate friends have pointed out the utility of this measure at this juncture, whether any occasion has arisen in India where riots and the other things mentioned could not be put down by the police and military. The utility of this measure should have been clearly brought out for us to decide whether any occasion has arisen when there was a demand for naval forces and the Air Force to be used. Why do you bring it forward simply because the British people have got it there? This is not the reason for the enactment of this law. There are so many things I would like to point out about this. In Malaya, lately the British Government have instituted a terrorism. They have very often called the Air Force for suppressing national elements. But here in India, everyone of us belongs to this country, and if there is an aspiration in the mind of any Indian to oust this Government, it is because this Government is utterly tyrannical. You are bringing forward so many bills here only to arm this tyrannical Government with greater and greater powers. Sir, this is not a democratic Government. They say that the

Congress is a powerful organisation and has been returned by such a vast majority. Then, why not ask the people to suppress any subversive activity and why ask the naval forces and the Air Force to suppress them? You say your numbers are great, but we are prepared to face you. Why not rely on your numbers? Why call the forces? They want to use these forces to establish their tyranny. In my own State it has happened. No Congressman here can dare say that they are to be powerful there any longer. Sir, there is a great port in my State, and in that port the Government is acting in the most indiscriminate way. There they have disbanded 22,000 workers. They have sent these thousands out of their work, and if the information that I have got is correct, they are sending out 200 people more. Unemployment is increasing, and the Congress regime there is calling the forces now to suppress these labourers. We shall fight this. It is our right to fight against this. Our friend from Orissa rightly pointed out, if you want to know why we fight you, it is because our political activities are conditioned by one thing, the betterment of our people. This is not the Congressmen's monopoly. Sir, this is a corrupt Government and this is going to live for corruption only. You have inherited this system from British Imperialism. You cannot say that you are going to govern this country as you like. We will fight you; we want this corrupt Government to go. We want the peasants to be the owners of the land; we want the workers to get decent wages. But this Government comes and says, "no". You say that you are going to continue the present economic situation. When people are groaning under difficult economic conditions, this Government are going to arm themselves with powers to call in the military, naval and air forces to suppress them. This is how they are going to safeguard the civic life of this country. This practically amounts to martial law. There are already certain sections in the existing Criminal Procedure Code to deal with these offences,

but you are not satisfied with them. The Law Minister was referring to the Father of the Nation, as though he permitted the use of the naval and air forces to suppress the people. I have seen his books. They speak of other things. They speak of non-violence. They do not speak of naval bombardment and aerial bombing. It is really strange that Congressmen, just as the devil quoting the Bible, are always quoting the Father of the Nation, for the use of the naval and air forces for this purpose. Instead of removing the old nauseating and obnoxious sections, you want to add to them by this amendment, by providing for bringing in the Air Force and the Navy against the people. This cannot be the intention of Mahatma Gandhi. I am surprised at the way in which Congress people are always quoting Mahatma Gandhi. There is no subversive activity at all. If there has been any subversive activity, it is because this Congress Government do not know to govern this country. Any subversive activity is the result of the non-understanding by this Government of the people's mind. They are not *Ra-kshasa* of the epics— They are ordinary men functioning under the law whom you have driven underground. They say that the peasants should own the land and the workers should get decent wages, should get the minimum amenities of life— But you say 'No'. You side with the *zamindars* against the peasants, the capitalists against the workers. You have suppressed many workers. Many of them have been arrested, taken to lock-ups and kept there and in many cases we see only their dead bodies.

Even the other day in Travancore-Cochin people like Neelakantan have been arrested and molested in lockup even under the existing Criminal Procedure Code. Every day atrocities are being committed in the name of Criminal Procedure Code the scope of which is sought to be extended by the Government whose corruption and tyranny have almost become classical. We are not going to submit to it.

[If these laws are enacted, we will have to resort to greater things because more and more tyrannical laws are going to be enforced on us. Let us be moderate, if you want to go in the right direction. Any amount of advice tendered, unless adhered to, is meaningless. You have first, of a lot to accept the advice yourself. You be moderate in the making of your laws, in the operation of your laws so that we will be moderate in the methods of our operations against them. Action will lead to reaction and as pointed out by the greater supporter from Bihar here even the Czar could not resist the wishes of the people, even the Bourbon Dynasty could not withstand the popular urges, even Charles I with all his powers could not stand up against the Parliament. It is not that we are afraid of this. We will fight it with all our might but we don't want it in the Statute of the free nation. It is obnoxious. I object to it entirely, part by part and in all.

SHRI C. G. K. REDDY: If you will remember, yesterday when the *am* was being introduced, I had asked that the hon. Minister for Home Affairs may be here so that we may have a better response. At that time the hon. Minister in charge of Law took objection. I did not mean that he was incompetent to pilot this Bill, there are certain things that I raised today which may have been answered or replied to only by the Minister for Home Affairs and I find that in the reply he had completely misunderstood what I said and to some extent misinterpreted, if I may say so. & o, I rise not only to oppose the Bill but also to clarify certain things which I feel have been misinterpreted by the hon. Minister for Law.

Sir, I did not say—I think I usually don't indulge in abuse of the Government—I charged them with many* things.....

SHRI GOVINDA REDDY: You forget yourself.

SHRI C. G. K. REDDY: No. I I charged them of certain things, what

[Shri C. G. K. Reddy.] I felt to be logical which cannot but be accepted even by the opposite benches. I had said that we get an opportunity in certain cases to ask the Government what they have done with the powers that they already enjoyed. I did not say that it gives us an opportunity to attack on all scores. I said that so far as these relevant sections are concerned, the previous Government enjoyed those powers, the present Government, the present Party in power, has enjoyed those powers during the last four or five years. I said when the Party in power or when the Government comes to Parliament to ask for additional powers, it is the right of the Parliament to ask them in what manner and to what extent they have used these powers for the good of the people. Therefore I said, " I charge you of not having used these powers for the good of the people, I charge you of misusing the powers, I charge your officials of abusing them ". I also said that the administrative machinery is such that they cannot but misuse these powers. So I expected that the hon. Minister would tell us that such things have not happened. I even said that if the House is prepared to listen, I would give instances where these powers have been misused. I would have thought that it was a responsibility and a duty of the hon. Minister to refute these or if he accepts them to some extent, to assure this House that he will see to it that if these powers have been misused before, hereafter he will have a stricter control over the administration of these powers. And what do we find? What is the reply that we get? ' That is just invective and abuse and therefore I need not reply to it'. Well, Sir, I know the hon. Minister is not bound to reply to it. He can just say 'I move for consideration, I move that the Bill be passed' and it will be passed not because of his arguments, not because of his logic, not because he has the capacity to reply to the arguments that may have been advanced from this side. It is because unfortunately or ibrtsnately for the Treasury Benches, you have a number of hands that could be controlled by one or two persons.

Therefore I suggest that if it is in the power of the hon. Minister for Law he should give this Parliament an assurance that such things will not happen and he will see that the additional powers that we seek to give to our officials are not misused, that these will not be used for the suppression of a legitimate opposition which is the essence of democracy. Unless that assurance comes, we could only conclude that there is no Parliament here, there is no parliamentary democracy, that there is just a brute majority which brings a bill and says ' Take it or leave it. You may say what you like, we are not bound to be affected by it'. I hope that that is not the attitude of the Government.

SHRI GOVINDA REDDY : You say that after accepting the amendment of the Opposition ?

SHRI T. S. PATTABIRAMAN (Madras) : Mr. Deputy Chairman, I am rather surprised at the trend of the discussions in this House on this very innocent Bill. It is an amendment Bill which has been introduced for the purposes of day to day administration of criminal law in this land. I can understand the fears of the Opposition. They see the Congress ghost in every action of the Government. That is why I am saying that all you say is wrong, misconceived and ill-founded. The hon. Members' talks from the Opposition Benches are more of politics. But there are various situations in the country that arise on other matters when there are grave breaches of public peace, where there is communal rioting, there is a faction fight, where there is a fight between individuals which develop into village fights, all those need prevention rather than cure at a later stage. As a lawyer I know how many instances are there when for nothing, for example a music before a mosque or for a land dispute, the whole village is arrayed against another village and the fight goes on and thousands die. It is necessary that the persons who are in charge of the law and order should be

there to prevent such things and see that unlawful assemblies don't take the law into their own hands. As a matter of fact, these laws have been used for political reasons on very rare occasions but on the other hand if there is to be maintenance of public peace and security in various parts of the country and if they are to prevent people from various acts of rowdyism and goondaism, arising out of communal frenzy or fratricidal fights, then the law that is being amended is absolutely essential and as such I welcome this Bill. I am constrained to say that the speeches of the Opposition in the House have been emotional. We on the Congress Benches can also be highly emotional.....

SHRI ABDUL RAZAK (Travancore-Cochin): May I know whether the hon. Member will have any objection if the hon. Minister assures this House that this provision of law will not be abused for quelling public agitation?

SHRI T. S. PATTABIRAMAN: Political agitation in a democracy can only be by constitutional means. If the hon. Member wants to vote for a particular man at the elections and if there is going to be no disturbance -or if any political party is going to influence the electors by non-violent means, I am sure this Government will give you such assurance. But if my friend takes a cudgel in his hand or takes up a rifle and begins shooting the opponents as they have been doing in some areas, I think I have to differ from him. The hon. Member who preceded me and my learned friend Shri Manjuran spoke about revolutions and imperialisms. I can assure them that we in the Congress party have faced the music of bren guns and shootings from aeroplanes much better than my hon. friends on the other side of the House. Our wounds are quite fresh and that is what I would like to tell them when they talk of revolutions. We have taken part in a revolution and we know what it is like. In 1942 we had a revolution in this country of a kind quite unprecedented in the history of

the world. *{Interruptions}*. I am not going to be cowed down by interruptions. In 1942 we had a great revolution in our country and we wanted it. I was a member of the Communist party till 1941. What were the Communists doing? In 1939 when the War broke out, what did these people do? Where were they? *{Interruptions}* Sit down. You will have to hear a few unpalatable things because you have been saying such things yourself.

SHRI K. L. NARASIMHAM (Madras): Is he controlling the House, Sir? How can he ask any hon. Member to sit down?

SHRI T. S. PATTABIRAMAN : My point, is, since revolution was mentioned, I wanted to show that we on this side of the House have known it and *{Interruptions}*.....

MR. DEPUTY CHAIRMAN : Let there be no more disturbances. When you spoke, nobody disturbed you. Please show the same courtesy to the other Members also.

SHRI T. S. PATTABIRAMAN: I am only placing certain facts to show that the hon. Member is not right in saying that the Congressmen do not know the people. He said that "If you are going to rule by brute majority, then the people will rise up against you." But let me assure him that we in the Congress have known the people better than my friends on the other side. We have led them in the revolution too. So let no one try to threaten us with the name of revolution. We have created a revolution and we have carried it through and it is because of this revolution that we had that my hon. friends are sitting there as free men. But when in 1939 the revolution started and Gandhiji gave us the lead, our friends of the Communist Party said that Gandhiji's methods were all out-moded, that nonviolent methods would lead us nowhere, that the people must have a violent revolution. In 1942 Gandhiji gave us the "Quit India" lead and

[Shri T. S. Pattabiraman.] then where went these protagonists of revolution ? They were missing from the fight. But we faced the music of the guns. We heard our hon. friends today

MR. DEPUTY CHAIRMAN : The hon. Member will please confine himself to the Bill before the House.

SHRI P. SUNDARAYYA (Madras): Two thousands of them were in the jail, you must know.

SHRI T. S. PATTABIRAMAN : Yes, I know, and they all gave apology and came out.

SHRI M. MANJURAN : I challenge that statement.

MR. DEPUTY CHAIRMAN : Order, order. You have had your say, Mr. Manjuran, please allow him to proceed.

SHRI T. S. PATTABIRAMAN : Mr. Deputy Chairman, a great deal of objection was raised to the use of the Air Force and the naval forces even as land forces. I may recall to the minds of the hon. Members that in 1942 at Poona, the Congress movement, the national movement for freedom was pulled down and the people shot down and the movement completely quelled by the operations of the Air Wing of the Government of India. Bren guns and sten guns and all the armed forces were used against this popular movement. But then, at that time these conscientious objectors, these gentlemen who now preach democracy, who speak sweetly of the rights and liberties of the people, did their organ "The People's War" protest against any one of these actions ? There is no use posing yourself today as the supporters of democracy, as believers in non-violence. No use trying to use principles as expedients. If you really are against making the people suffer, what did you do in 1942 when the civil population was being treated in this manner ?

(*Interruption*). No, your voice was stifled by the money of the Government of India.

SHRI P. SUNDARAYYA: Nonsense.

MR. DEPUTY CHAIRMAN : Do not use such words.

SHRI B. GUPTA (West Bengal) : It is perfectly parliamentary, Sir.

MR. DEPUTY CHAIRMAN : Order, order. These disturbances do not add to the dignity of the House or of the Members.

SHRI S. N. MAZUMDAR : Are we discussing the politics of 1942 ? Then we should have full opportunity to have our say on this matter.

MR. DEPUTY CHAIRMAN Order, order.

SHRI P. SUNDARAYYA : You must also control the other side, Sir.-

MR. DEPUTY CHAIRMAN: When you make such speeches, you have to take such speeches also.

SHRI T. S. PATTABIRAMAN : Sir, I was dealing with the position of the Congress and their relation with the....

MR. DEPUTY CHAIRMAN : Please confine your remarks to the Bill under consideration.

SHRI T. S. PATTABIRAMAN : Yes, Sir, I will. But the hon. Member made much of the way of the administration was being conducted and said that there was tyranny going on. I only want to tell him that that is not the fact and also that the Congress people know the masses much better than my hon. friends over there. They have not mixed with the people, still they talk of the rights and liberties of the people. I am making a very

SHRI C. G. K. REDDY : Question.

SHRI T. S. PATTABIRAMAN: I am not talking of the Socialist Party anyway.

My hon. friend from Orissa was referring to the Jana Tantra Parishad and imperialism and was speaking of atrocities committed on the people. May I know whether at the time of the crisis in our country, he had any protest to make against the British Government ? When the country was chafing under bullets both from the sea and the air, had my hon. friend anything to say against that? Today I can understand his saying that he is against capitalists, that capitalists are oppressing the people. Nobody wants oppression by the capitalists and

SHRI S. MAHANTY: They are there, sitting on your own side of the House.

SHRI TVS. PATTABIRAMAN : We make no distinction. Capitalists whether on this side or that will have the same fate.

Sir, the Bill is a necessity and it is only a corollary to the existing Act. In other words, it is only a consequential Bill, arising out of the changed circumstances where we have an Air Force and a Navy. The Government has also given the assurance that these forces will only operate as land forces and that too only in extraordinary circumstances. Even then my hon. friend from Orissa expressed the fear that this might be used against him. I wish he would take a more legalistic view of the thing and a less political view of it, as he seems to do. After all there must be one more individual besides my hon. friend in order to make an unlawful assembly. An individual cannot make an assembly. So this Act cannot be used against my hon. friend individually. Moreover, we have such a number of checks provided against any misuse of this power. Chapter IX of the Criminal Procedure Code contains all sorts of

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restrictions and safeguards to this end. The Magistrate of the highest rank should be present there and he has first of all to warn the people and ask them to disperse, he should warn them that they will be declared an unlawful assembly and if even after persuasion they refuse to disperse, then he has to make use of force, and that too only the minimum force. He can use it only when the crowd becomes otherwise uncontrollable and when he fears the annihilation of the police force with him. Only in such an extremity can he call in the aid of the armed forces. And so we can see that there are enough provisions to prevent magistrates acting in an dictatorial manner.

The provisions of the Bill are, as I have said, only consequential and therefore the Bill should be accepted. It cannot be otherwise when Congressmen who have themselves borne the brunt of British Imperialism are responsible for this measure. My hon. friend from Orissa might have seen a bullet. He would have seen a *lathi*. But we have on our bodies the scars of these bullets and *lathis* and he must understand that we realise our responsibilities. We know how the magistrates will act. We carried on the struggle for the past 200 years. In spite of that we are bringing up this Bill and there can be no question of questioning our *bona fides* because we feel that it is essential, not to quell any other political party but to see that law and order exist in the country and that no man, high or low, takes the law into his own hands and threatens the very foundations of this Sovereign Republic.

SHRI KISHEN CHAND : Mr. Deputy Chairman, I oppose this Bill on a fundamental point.

j MR. DEPUTY CHAIRMAN: I hope you will please avoid repetition. N.

SHRI KISHEN CHAND: I am surprised, Sir, that many Members of this House are boasting of their pat-

[Shri Kishen Chand.] riotism. It is not a question of patriotism being the monopoly of one side or the other. The whole question whether in a sovereign India, where there is a national Army and a national Police Force, it is necessary to call in the Army to quell riots. That is the whole question. It is not a situation that there is an imperialist Government and that even the Army is a mercenary Army and the whole objective of that Government is to maintain law and order and for the maintenance of that law and order, it should first of all call the Police and if it is not successful, call the Army. These things have changed now. Thirty years ago, the Police Force had only a *lathi* or a baton at its command. The Police Force is fully armed with rifles and is given complete practice of using rifles, tear gas, etc. They have also means of quick communication, e.g., jeeps, radios. With all these at the command of the Police and considering the fact that our country is a free country, and the people, if they assemble will not be on a mass movement scale but a few in a certain place to express their grievances, and considering also the fact that the Police is

fully armed -----it is more or less an Armed Constabulary ----- I do not see any reason or need that may arise for the use of military force. I find, Sir, that the difference between the Police Force and the Army exists only in the artillery and in the use of machine gun and automatic weapons. I am glad that the Navy and the Air Force will be used as land forces, otherwise there would have been this further difference of aerial and naval bombing. So when we are considering the question of dispersing an unruly mob or an unruly crowd, we have got to see whether we have reached a stage where we think that instead of using rifles we should use artillery. An hon. Member has pointed out to this House that nearly 30 years ago a Major General of the British Army used cannons and machine guns against an innocent crowd at Jalianwala Bag. I am sure that no hon. Member of this House wants a repetition of that thing now. We are a free nation and

we want that our Army should take a pledge that they will never raise their arms against their own countrymen. Our Army is meant only for defending the country against foreign aggression. I do realise that there may be a very big civil war in the country or there may be a very large scale armed revolt. In such a situation, the President has got powers to proclaim an emergency and then the Army can be used. But, in the normal circumstances, when a very small group of people have assembled and the weapons that they have at their disposal are only brick-bats and possibly soda water bottles, do you want to fight with them with machine guns and artillery? Sir, I do not think any Member of this House would welcome a situation where innocent people with brick-bats are being machine gunned. It is a fundamental question, and I will appeal to the hon. the Law Minister to remove from the Penal Code any reference to the Army in the quelling of disturbances unless it is such a grave situation that the President is forced to declare an emergency. The hon. the Law Minister has tried to ridicule by saying that there is an unlawful assembly going on and the Magistrate comes to the conclusion that he cannot control it. So, he sends a wire to the President asking him to declare an emergency. I submit, Sir, that he is trying to make a simple thing into a very elaborate one by creating an impossible situation. As I have said before, I do maintain that for quelling ordinary disturbances we should not entrust this work to the Army. It is the job of the Police and they must make their best efforts and if the Police of one village is not sufficient, they can go to the neighbouring village and call the Police. After all, even if you want the Army, you have to send for it from a distance. Magistrates are human beings and there are Magistrates and Magistrates with their own levels of thinking. Supposing a Magistrate commits a mistake, you are sacrificing the life of innocent countrymen of ours simply because of the mistake. Therefore, I would not entrust the best of Magistrates

with these powers. I had the opportunity of meeting General Dyer in Cambridge and he confessed to me that even a Major General of the Army can make mistakes if he is armed with machine guns and he has got to decide at the split moment whether to use it or not. I will humbly submit to this House not to accept the use of military force in the quelling of local disturbances and I oppose this Bill.

SHRI P. SUNDARAYYA: Mr. Deputy Chairman.....

MR. DEPUTY CHAIRMAN: Please speak briefly. This is the third reading.

SHRI P. SUNDARAYYA: I totally oppose this Bill, especially after I heard Mr. Tajamul Husain and others from the Congress Party and also the speaker who spoke from the other side just now. Again and again they have been hurling charges against the Communist Party and saying that while they were fighting against the British Imperialism in 1940 and 1942 we were co-operating with the Maxwell regime. They are saying such kind of rubbish about us. When a serious Bill is being discussed and when we come here as the representatives of the people and oppose it, instead of meeting our arguments, they talk of bombing people by aeroplanes and ships. Because there are no arguments in justification of it, and because also, they want to bring in more and more military force to shoot at our people, they are trying to throw slanders against the opponents. It is nothing but slander to say that in 1942 we were cooperating with the Government. In 1942 when the Congress leaders were arrested we were not co-operating with Maxwell—we were fighting him. There were 2,000 of our comrades, members of the Communist Party, who had been detained. Members must be knowing this fact. We were fighting the Maxwell administration; we were fighting against the Government of India; against British Imperialist policies and they conveniently forget these things. The Congress leaders, after coming to power at the

sacrifice of the people in 1942, 1945 and 1946, have betrayed them and now have got the cheek to say that it is we who have betrayed them and that they fought the British Imperialists. Fifty thousand or so of the members of the I.N.A. have not been taken into Army back; they have not been restored to their positions. They were all dismissed and the Congress Party which rode into power at the sacrifice of the I.N.A. and at the sacrifice of so many of our people, now has got the cheek to come and say that we were co-operating with the British Imperialists. It is the Congress and the opposite Benches who are following in the footsteps of the British Imperialists who still hug the British Commonwealth and who send their Prime Minister and Finance Minister and Defence Minister to the hated Imperialists' conference, who have got the cheek to say that they fought for freedom while we, who are fighting against them, are being called as betrayers of our people. Now because they have betrayed the people, because they are hugging the British Imperialists and because they continue to serve the British Imperialists, that is why they are adopting the British Imperialist methods. They think that the British Imperialists were not intelligent enough to see that the Navy and Air Force were also necessary to quell even ordinary mass demonstrations. I say, for this it was not at all necessary for the Congress Government to bring this Act and say that the Navy and airmen should be brought in to quell the meetings of ordinary people, to shoot at the people. They are very anxious to shoot at the people; so many members from the other side were anxious to use the Air Force and bomb the people. We are totally opposed to these sentiments—totally opposed to call upon the Army to do the dirty job of shooting our people. It is from the other Benches that this comes, it may be a few; you could not control them—it was they who said that people must be bombed from the air. We are not only opposed to the bombing of people from air but we are opposed to this dirty job of shooting of people by the military which they have been indulging in for the last five

[Shri P. Sundarayya.] years. We are therefore totally opposed to this Bill. The hon. Member says that they have been fighting against the British Imperialists for over 200 years whereas we were not fighting. I would say this is nothing but absurd, nonsense. The great people who really fought against the British, the great revolutionaries, where are they today? They are now in the Communist Party— not in the Congress. The great Gadhar Party heroes, the Babbar Akali heroes, Bhagat Singh and his colleagues, the great Chittagong revolutionaries and all other great revolutionaries of the country belonging to every Revolutionary Party, where are they today? They are all in the Communist Party. They are not in the Congress. There are only black-marketeers in the Congress today. There are monopolists and feudal maha-rajahs who have been co-operating with the British Imperialists in the past. It is them you are hugging, not the people. You have betrayed the people. And still you have got the cheek to come here and say that this Bill is necessary to shoot at our people. You say the Army is not enough; the ground forces are not enough. You want the Navy and the Air Force also to come to your aid. You want the Navy and the Air Force personnel even to quell ordinary demonstrations and public meetings. Sir, that is why our Party is deadly opposed to this Bill which empowers the Government— not only Government but any Magistrate and any police officer— to call the military forces, to call the Navy and to call the Air Force to shoot at our people. We are totally opposed to your shooting our people and will fight it.

SHRI B. GUPTA : I have one little point to make here. I want to have a clarification of what is stated in the Objects and Reasons here in the light of the speech that the hon. Minister has made.

MR. DEPUTY CHAIRMAN: If you want any information, you may ask for it. You cannot make a speech now. I have called upon the Minister to reply.

SHRI B. GUPTA : Sir, I want to make a submission. In fact, I want to seek clarification.

MR. DEPUTY CHAIRMAN : Be very brief.

SHRI B. GUPTA : Yes, Sir. I will be brief. The hon. Minister in his speech said that this measure is necessary because there are certain places where there is no Army, but where there may be Naval and Air Force establishments and these could be called out in those places. But here in the Statement of Objects and Reasons it is written "There may be occasions when units of the other two branches of the armed forces may provide military assistance more expeditiously"—please mark the word 'expeditiously'—"especially in places where major establishments of the Navy and Air Force are located." Therefore according to this it is very clear that they are going to use the Navy and Air Force also in places where they are located, that is to say, in cities like Calcutta, Madras and Bombay. Here all the three arms of our Moubatten revolutionaries will be used ; that is the promise here. This is point No. i I wish to make.

MR. DEPUTY CHAIRMAN : You cannot make a speech at this stage, Mr. Gupta. If you want any information, you may put a question.

SHRI B. GUPTA : May I make a submission to you, Sir ? It is very difficult for me to know this as to when to make a submission or when to put a question to the hon. the Law Minister. He does not seem to care for either. Because if we make a submission we are asked to put a question and if we.....

MR. DEPUTY CHAIRMAN : Order, order.

SHRI B. GUPTA : Sir, the hon. Minister referred to the Constitution and also to certain provisions of the Criminal Procedure Code only to make out

the point that Article 352 of the Constitution does not cover the eventualities of the situation that may arise. Now, Sir, that means that he thinks that unlawful assemblies should be immediately attacked—I cannot interpret it any other way—by employing these armed forces, that is to say, not only the Army, but the Navy and the Air Force. In the Criminal Procedure Code itself—the hon. Minister happens to be a lawyer himself—there are ample provisions for dealing with the situation and therefore the object of this Bill is, Sir, to use all the three wings of the Armed Forces against peaceful meetings and ordinary demonstrations which can be declared unlawful assemblies at any time by any Tom, Dick and Harry of the Magistracy. I say you are making a Generalissimo out of every Magistrate in the country with a view to attacking the people from all sides and therefore I say this measure is nothing but—as far as I can understand it ; let him deny it if he likes—if I may use certain expression. (*Interruption by several hon. Members.*) The dispensation under this enactment is going to be

MR. DEPUTY CHAIRMAN : You are not asking for any clarification ; you are making a speech.

SHRI B. GUPTA : Guns to the right of the people, guns to the left of the people and guns in front of the people.

SHRI C. C. BISWAS : My hon. friend there has reminded me that I have not given an assurance that the powers taken by these sections would not be abused in future. The only assurance that I can give is that whenever there are any such abuses by the officers of Government, Government will take action and deal with the officers who are to blame. Whether any particular officer will abuse his powers on any particular occasion, well, nobody can be in a position to give an assurance about that. I cannot give an assurance how my son will behave ; I cannot give an assurance how my friend will behave. No (Government can give an assurance for

every one of its officers that he would behave or always behave in an absolutely right manner.

SHRI C. G. K. REDDY : The hon. Minister can direct them.

SHRI C. C. BISWAS : But, Sir, I do give the assurance that whenever such cases are brought to the notice of Government, Government will deal with the officers who are found to blame. And that is the only assurance which it is possible for any Government to give.

SHRI B. G U P T A : Safeguard against abuses.

SHRI C. C. BISWAS : That is the only safeguard which any Government can provide against abuse of powers.

Now, Sir, what is the object of this legislation? It takes powers on the assumption that these powers would be used in the proper way. Legislation is not enacted on the assumption that the powers taken will always be misused or abused. Of course if that is the position, that is that the power taken is such that from its very nature it cannot but be misused and abused then, of course no Government will think of enacting such legislation. That goes without saying. These powers have been there for years and years. There have been abuses. Nobody will dispute that fact. Still they are there. "My hon. friend opposite, Mr. C. G. K. Reddy, said that there had been abuses but I did not deal with them in my reply. But no specific instances were mentioned and it was, therefore impossible for me to give a categorical answer. If he had mentioned any particular instances, I might probably have been able to give a reply, but I may safely say that so far as I know Government have not failed to take action whenever such cases have been brought to their notice. As a matter of fact, no Government desire that they should have under them a body of officers who would always be found delinquent in the performance of their duties. Government expect that their

[Shri C. C. Biswas.] officers shall do their duty, and, therefore, whenever there is dereliction of duty, action is taken, and action will be taken. If in the past in any particular instances action was not taken, or the action taken was inadequate, that may be a matter for regret. That is another matter. But that does not justify the proposition put forward by my hon. friends opposite that these powers should be therefore removed from the Statute Book altogether or that no new powers should ever be taken. As a matter of fact, so far as the taking of new powers is concerned, there is no such proposal in this Bill. All that is asked for is that instead of one branch of the armed forces, the other two branches might also be made available in certain contingencies.

My hon. friend who spoke last wanted clarification. Well, so far as this point is concerned, I did explain that there were certain States in which it is not possible to get the assistance of military forces as expeditiously as may be desirable. It is no use referring to the Statement of Objects and Reasons and pointing out that the words there are "the other two branches of the armed forces may provide military assistance more expeditiously." Suppose trouble breaks out in the State of Delhi and there is no Army here. There is an Army situated in Calcutta. Of course it will always be possible to get the Army from Calcutta up to Delhi for the purpose of quelling disturbances. But is that practicable? Where another branch of the armed forces is available much nearer, why should it not be made possible for the District Magistrate to requisition their services? That is the point. There is nothing in the Statement of Objects and Reasons which militates against the statement I had made. I purposely did not mention the States where the conditions were like what I stated. We have had representations from those States where there are naval establishments and Air Force establishments, but no land Army. That is why, after mature consideration, this power was sought to be taken. It does

not mean that in every instance you will requisition all the forces that are available, that land, air and naval forces will all be mobilised for the purpose of crushing a revolution. If there is a revolution, an emergency will be declared. But then other steps will be taken. But the present provisions are not meant to deal with large-scale disturbances like a revolution. My friends talk of revolution, as if we were dealing with a revolution here. Unlawful assembly is not a revolution—Hon. Members must not suppose that unlawful assemblies are created only by Communists or other political parties. Nothing of the kind. Suppose there are ordinary breaches of the peace, then action has got to be taken. One small spark may start a conflagration. It is for that that power is taken. It does not mean that in every little instance this power will be employed. The power to disperse an unlawful assembly with the aid of military force has, as I said, been in existence for quite a long time, and we have not heard of many instances in which, except on political grounds, the use of military force has been challenged or thought to be improper. I do not suggest that there is not a single instance, but by and large, how many instances are there in which the use of military forces has been found fault with? That is the point we are concerned with. We are not concerned with the question whether the police acted properly, whether the Magistrates acted properly in dealing with an unlawful assembly, and so on. The only point with which we are concerned in connection with this Bill is how far the use of military forces is wrong or unjustified.

SHRI. B. GUPTA : Do I understand

MR. DEPUTY CHAIRMAN : Let the hon. Minister finish his speech.

SHRI C. C. BISWAS : Now, Sir, if you want that no action should be taken unless the President proclaims a State of Emergency, well, Sir, that is not the sort of case which these sections are intended to deal with.

If there is a grave national emergency—an invasion from outside, or large-scale internal disturbances, and so on—then a State of Emergency is declared. But it would be ridiculous to suggest that it is only if a State of Emergency is declared by the President, that the authorities should be empowered to disperse an ordinary unlawful assembly. That is not practical politics. That is really exaggerating the importance and magnitude of an unlawful assembly which may be dealt with under these provisions of the Criminal Procedure Code. So, it will not do to limit the exercise of this power only to cases in which a national emergency arises.

As regards the points raised by my hon. friend Mr. Reddy, I have already said that not for one moment does Government claim that no abuse did ever take place. Nothing of the kind. Abuses might still take place. But that is no reason why this power should be withheld. My hon. friend may be quite right in taking this opportunity under parliamentary convention of drawing attention to the possibility of abuse. I did not refer to that in my reply for the simple reason that there were speeches on either side which I thought cancelled each other, and therefore I did not wish to waste the time of the House by covering the same ground. There was no specific instance given to which I might give a specific answer.

SHRI C. G. K. REDDY : Would the hon. Minister kindly let us know if he would send out directions to his officers that such abuses would be strictly dealt with ?

SHRI C. C. BISWAS : These instructions are there and the Government would never condone any excesses or any abuse of powers by their subordinate officers.

SHRI B. GUPTA : Am I to understand from the hon. Minister that if at one place the police happen to be sympathetic to the people, he would call the Air Force and if the Air Force

would be sympathetic to the people, he would call the Army ? Is that also an underlying intention of this measure ? Let it be made clear here.

SHRI C. C. BISWAS : I refuse to deal with such hypothetical questions.

SHRI C. G. K. REDDY : Just one question. There was a suggestion from his own side about the judicial enquiry.

12 noon.

SHRI C. C. BISWAS : Yes, I am sorry, I forgot to deal with that point. I think in most cases such enquiries had been ordered in the past and certainly Government will consider the suggestion that in every case where there is firing, where there is loss of life, an enquiry should be held; and that is a valuable suggestion. I can assure the House that Government will always take care to see that whenever there is loss of life and wherever there are complaints of use of excessive force in quelling disturbances, an enquiry will duly be held.

SHRI B. GUPTA : Publish the report of the Cooch-Bihar Firing Enquiry Committee.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill further to amend the Code of Criminal Procedure, 1898, as passed by the House of the People, and as amended in this House be passed.

MR. DEPUTY CHAIRMAN : The Ayes are heavier.

SHRI P. SUNDARAYYA : Sir, we want our names to be recorded.

{Several hon. Members from Opposition rose to speak.}

MR. DEPUTY CHAIRMAN : This is the rule. If the opinion of the Chairman as to the decision of a question is challenged, he may, if he thinks fit, ask.....

SHRI N. GOPALASWAMI : I suggest that there are people in the House who want to go down in history on the side of those who voted against this Bill i let us satisfy their wishes.

The House divided :

AYES—108

12.5 p. m.

Abdul Shakoor, Molana.
 Agarwal, Shri B. P.
 Agarwala, Shri R. G.
 Agrawal, Shri A. N.
 Agrawal, Shri J. P.
 Ahmad Hussain, Kazi.
 Aizaz Rasul, Begam.
 Akhtar Hussain, Shri.
 Alva, Shrimati Violet.
 Amolakh Chand, Shri.
 Anant Ram, Pandit.
 Barlingay, Dr. W. S.
 Beed, Shri I. B.
 Bhuyan, Dr. S. K.
 Bisht, Shri J. S.
 Biswas, Shri C. C.
 Biswasroy, Shri R.
 Borooah, Shri L.
 Budh Singh, Sardar.
 Chaman Lall, Diwan.
 Chandravati Lakhanpal, Shrimati.
 Das, Shri Jagannath.
 Dave, Shri S. P.
 Deogirikar, Shri T. R.
 Deshmukh, Shri R- M.
 Dharam Das, Shri.
 Dube, Dr. R. P.
 Dube, Pandit S.
 Gilder, Dr. M. D. D.
 Gopal, Shri V. G.
 Gopaldaswami, Shri N.
 Gupta, Shri R. C.
 Hathi, Shri J. L.
 Hensman, Shrimati Mona.
 Inait Ullah, Khwaja.
 Indra Vidyavachaspati, Shri.
 Ismail Saheb, Janab M. Mohamad.
 Italia, Shri D. D.
 Jafar Imam, Shri.
 v Shri S. P. Jalali, Aga
 S. M. Kapoor, Shri J. R.
 Karayalar, Shri S. C.

Kaushal, Shri J. N.
 Keshvanand, Swami.
 Khan, Shri P. M.
 Kishori Ram, Shri.
 Lakshmi Menon, Shrimati.
 Lal Bahadur, Shri.
 Lall, Shri K. B.
 Lilavati Munshi, Shrimati.
 Madhavan Nair, Shri K. P.
 ^Jajumdar, Shri S. C.
 Malkani, Prof. N. R.
 Mazhar Imam, Syed.
 Misra, Shri S. D.
 Mitra, Dr. P. C.
 Mookerji, Dr. Radha Kumud.
 Majumdar, Shri M. R.
 Mukerjee, Shri B. K.
 Narayan, Shri D.
 Narayanappa, Shri K.
 Pande, Shri T.
 Parikh, Shri C. P.
 Pattabiraman, Shri T. S.
 Pawar, Shri D. Y.
 Pheruman, Sardar D. S.
 Pillai, Shri C. N.
 Podar, Shri R. A.
 Prasad, Shri Bheron.
 Pushpalata Das, Shrimati.
 Pustake, Shri T. D.
 Raghbir Singh, Dr.
 Rajagopalan, Shri G.
 R o,' Shri Rama.
 Reddy, Shri Channa.
 Reddy, Shri Govinda.
 Saksena, Shri H. P.
 Sambhu Prasad, Shri.
 Savitry Nigam, Shrimati.
 Seeta Parmanand, Dr. Shrimati.
 Shah; Shri B. M.
 Shah, Shri M. C.
 Sharda Bhargava, Shrimati.
 Sharma, Shri B. B.
 Shetty, Shri Basappa.
 Shoila Bala Das, Shrimati.
 Shrimali, Dr. K. L.
 Singh, Capt. A. P.
 S ingh, Babu Gopinath.
 Singh, Shri Kartar.
 Singh, Shri R. K.
 Sinha, Shri R. B.
 Sinha, Shri R. P. N.
 Sobhani, Shri O.

Srivastava, Dr. J. P. Sumat Prasad, Shri. Surendra Ram, Shri V. M. Tajamul Hussain, Shri. Tamta, Shri R. P. Tankha, Pandit S. S. N. Tayyebulla, Maulana M. • Thakur Das, Shri. Thanhlira, Shri R. Thimmabovi, Shri L. H. Vakiya, Shri K. D. Varma, Shri C. L. Vyas, ShriK.

NOES—35 Abdul Razak, Shri. Angelina Tiga, Shrimati. Arman Ali, Munshi. Banerjee, Shri S. Bhaj Deo, Shri P. C. Deshmukh, Shri N. B. Dhage, Shri V. K. Dhillon, Shri G. S. Dube, Shri B. N. Dwivedy, Shri S. N. George, Shri K. C. Ghose, Shri B. C. Ghosh, Principal Devaprasad. Gupta, Shri B. Gour, Dr. R. B. Guruswami, Shri S. Imbichivaba, Shri E. K. Kakkilaya, Shri B. V. Kishen Chand, Shri. Lakshman Singhji, Shri. Mahanty, Shri S. Manjuran, Shri M. Mann, Lt.-Col. J. S. Mazumdar, Shri S. N. Misra, Shri C. G. Naidu, Shri P. S. Rajagopal. Narasimham, Shri K. L. • Narayana, Shri P. V. Ranawat, Shri M. S. Rao, Shri Venkat.

Rath, Shri B. Raut, Shri R. B. Reddy, Shri C. G. K. Sundarayya, Shri P. Suryanarayana, Shri K.

The motion was adopted.

THE STATE ARMED POLICE FORCES (EXTENSION OF LAWS) BILL, 1952

THE MINISTER FOR LAW (SHRI C. C. BISWAS) : Mr. Deputy Chairman, on behalf of the Home Minister, I move.

That the Bill to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State, as passed by the House of the People, be taken into consideration.

I do hope that this Bill, at any rate, will not prove as contentious as the other one. I hope my friends opposite will admit that from their point of view also, this is an innocuous measure. All that is suggested here is that when the armed police forces of one State go over to another State to serve there, then they will be subject to the laws of that State for the time being except as regards matters of discipline. For the purpose of understanding the Bill it is necessary to refer to the existing laws on the subject. The first Police Act is a very old one, Act V of 1861. That is still in force. Police forces were created and even now are created under that Act. Under it certain powers are conferred on the police forces. It also imposes certain liabilities on them. For instance, I will just refer you to sections 9 and 10, where you will find the liabilities that are imposed. A police officer cannot resign without leave or without giving two months' notice. Then they are liable to departmental punishment; hence and may be sentenced to imprisonment for a term not exceeding three months or with fine not exceeding three months' pay-That you will find in section 29.