

# LOK SABHA DEBATES

SECOND SERIES

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*9th December to 21st December, 1957*



THIRD SESSION, 1957

( Vol. X contains Nos. 21 to 32 )

LOK SABHA SECRETARIAT  
NEW DELHI

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N.B.—The sign + above a name of a Member on Questions which were orally answered indicates that the Question was actually asked on the floor of the House by that Member.

## LOK SABHA DEBATES

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### LOK SABHA

Monday, 9th December, 1957.

The Lok Sabha met at Eleven of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS Strike in W.I.M.C.O. Match Factory

+

\*900. { Shri S. M. Banerjee:  
Shri Tangamani:  
Shri Mohan Swarup:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government are losing nearly a lakh of rupees daily as excise duty on match boxes as a result of continual strike in W.I.M.C.O. Match Factory at Bareilly;

(b) if so, whether this fact has been brought to the notice of the Ministry of Labour and Employment; and

(c) if so, the steps that have been taken to end this strike and avoid this recurring loss?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) No, Sir. There is no loss of revenue unless matches are clandestinely removed from the factory.

(b) The Ministry of Labour and Employment have no information since the dispute in the W.I.M.C.O. Match Factory falls within the purview of the Uttar Pradesh State Government.

(c) Does not arise.

Shri S. M. Banerjee: May I know whether the W.I.M.C.O. match factory is going to introduce rationalisation against the decision of the Fifteenth

Labour Conference and if so, what steps are taken by the Labour Ministry to stop such action?

Shri B. R. Bhagat: We do not have any information about that. The question may be referred to that Ministry.

Mr. Deputy-Speaker: Answer is sought from the Labour Ministry.

Shri S. M. Banerjee: The original question was actually meant for the Labour Ministry because Labour is a concurrent subject.

Mr. Deputy-Speaker: I realise the difficulty. Now, it cannot be amended immediately. The hon. Member may take another opportunity.

Shri Kamalnayan Bajaj: May I know whether it is not a fact that the last excise duty which has been levied on match boxes has adversely affected small-scale cottage industries in the country, especially in South India?

The Minister of Finance (Shri T. T. Krishnamachari): I do not think it arises out of this.

Mr. Deputy-Speaker: That would be a very general question, not covered by this question. Has the hon. Member any other supplementary question?

Shri Kamalnayan Bajaj: What, I wanted to ask....

Mr. Deputy-Speaker: That, I have said, would not be covered in this question as a supplementary. Next question.

### Second Pay Commission

\*901. Shri D. C. Sharma: Will the Minister of Finance be pleased to state:

(a) whether the Second Pay Commission has issued any questionnaire; and

(b) if so, what is its nature?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) No.

(b) Does not arise.

**Shri D. C. Sharma:** May I know if no questionnaire has been issued, whether the Central Pay Commission will ask for memoranda from other bodies, and if so, from which bodies memoranda are going to be asked or by which bodies these memoranda has been submitted.

**Mr. Deputy-Speaker:** Is that information with the Government?

**The Minister of Finance (Shri T. T. Krishnamachari):** We have made enquiries. Actually, hon. Members will realise that according to the terms of reference under which the Pay Commission is appointed, it settles its own procedure. Therefore, Government are not in a position to indicate to the Commission what they should do. We made enquiries and we understand that the Commission might issue a questionnaire after getting relevant information from all the Associations from which they have asked for information. That is about all, I am in a position to say now.

**श्री भवत कर:** क्या मैं जान सकता हूँ कि पहली कमीशन कोई अपनी प्रान्तिम प्रिपोर्ट भी दे रहा है या नहीं और यदि दे रहा है तो कब तक उसके प्राप्त होने की आशा की जा रही है?

**Shri T. T. Krishnamachari:** I have not got any interim report yet.

**Shri B. S. Murthy:** The Pay Commission has already been in existence for the last six months. May I know what work it has been doing all along without even issuing a questionnaire?

**Mr. Deputy-Speaker:** Shri Prabhat Kar.

**Shri Prabhat Kar:** In the case of the First Pay Commission, a questionnaire was also issued. May I know whether the Government thinks that in order for the Second Pay Commission to come to its findings, a questionnaire

is necessary and it should be issued at the earliest stage?

**Mr. Deputy-Speaker:** It is a suggestion.

**Shri Prabhat Kar:** If the Government thinks it necessary,....

**Mr. Deputy-Speaker:** That would be an opinion then.

**Shri S. M. Banerjee:** May I know whether the hon. Minister attention has been drawn to a statement of the Secretary General of the Posts and Telegraphs Federation that the Federation shall serve strike notice in the month of January in case the Interim relief question is delayed further, and what steps are taken to see that the interim report is submitted without any delay?

**Shri T. T. Krishnamachari:** The Commission is now seized of the matter. I have not seen this particular statement. The Commission is seized of the matter. The Government can only wait for the Commission taking action.

**Shrimati Renuka Ray:** May I ask the Finance Minister whether, in view of the previous declarations of the Government, and in view of the fact it is also included in the reference to the Pay Commission that the pay scales of States and local bodies would also be taken into consideration when fixing these scales, any positive steps have been suggested by the Government to the Pay Commission about this?

**Shri T. T. Krishnamachari:** We have suggested nothing more than what has been mentioned in the terms of reference.

**Shri D. C. Sharma:** May I know if the Parliament will be seized of the procedure that the Pay Commission is going to adopt for solving this problem and if so, if a statement will be laid on the Table of the House?

**Shri T. T. Krishnamachari:** I cannot comprehend what the question indicates.

**Shri Hem Barma:** May I know if interim relief is going to be based on the questionnaire that the Second Pay Commission has circulated or on the basis of the prevailing price index?

**Shri T. T. Krishnamachari:** I am not the Pay Commission. How the Pay Commission would decide on this question of demand of interim relief, it is for them. I am not in a position to say how their mind will work and on what they will base their recommendation, what ever that might be.

**Council of Scientific and Industrial Research Grants to Scientists**

+  
\*902. { **Shri S. C. Samanta:**  
**Shri R. C. Majhi:**

Will the Minister of Education and Scientific Research be pleased to lay a statement on the Table showing:

(a) the subjects for which research grants were sanctioned to individual scientists by the Council of Scientific and Industrial Research during the financial year 1956-57;

(a) the amounts of such grants and the period for which they were sanctioned; and

(c) the results, if any, of the research done under the Scheme?

**The Deputy Minister of Education and Scientific Research (Shri M. M. Das):** (a) and (b). A statement giving required information is laid on the Table of the House. [Placed in Library. See No. LT-429/57].

(c) The researches are still in progress.

**Shri S. C. Samanta:** May I know what is the usual procedure for granting this assistance to individual scientists?

**Shri M. M. Das:** Applications are received by the Council of Scientific and Industrial Research. Then, these

applications are referred to the respective Research Committees. There are about 25 or 26 different Research Committees which go through these applications and make their recommendations upon these applications to the governing body of the C.S.I.R. The governing body decides whether the grants should be given and if so, what will be the amount, etc.

**Shri S. C. Samanta:** May I know whether private institutions and universities, etc. are also given grants over and above these individual scientists?

**Shri M. M. Das:** Yes, Sir. Universities and private institutions are also given grants for carrying out research.

**Shri Shree Narayan Das:** Out of the individual scientists who have been given grants, how many are carrying on research in some institution or on an individual basis?

**Shri M. M. Das:** Without an institution, laboratories, etc. research in modern science cannot be carried out. In the statement that has been submitted, there are altogether 278 items. It is difficult for me just at the present moment to find out how many are working and in what institutions.

**Shri Subodh Hasda:** May I know the total amount of the grants given during the last three years including the current year and also may I know the maximum amount of financial assistance to a single scientist?

**Shri M. M. Das:** I have not got the figures of last three years with me. I have got figures of the total amount of grants given last year, namely 1956-57, to individual scientists. The total amount comes to Rs. 25,60,000 and odd. This year, we have got a budget provision for this purpose, of Rs. 23 lakhs. The maximum amount that has been given to an individual scientist will be—I am not prepared to commit myself on this point—about Rs. 60,000 or round about that figure.

**Shri S. C. Samanta:** May I know whether a single scientist is entitled

to financial assistance if he carries on research in more than one subject?

**Shri M. M. Das:** Yes, Sir. He is entitled, and we have given.

**Pandit J. P. Jyotishi:** May I know if these persons who are given grants are required to submit six-monthly or yearly reports on the work they have done?

**Shri M. M. Das:** Yes. Reports are called for and the report for 1956-57 is being compiled now.

#### Refractory Storage Building at Bhilai

\*983. **Shri V. C. Shukla:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that a Refractory Storage Building built by a contractor for the Bhilai Steel Project gave way as soon as the Project authorities began to store material in that building; and

(b) what action has been taken against the contractor?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) and (b) The building as a whole did not give way. Only a patch of the floor sank slightly, pushing a small portion of the retaining wall. The damage was made good by the contractor at his own cost.

**Shri V. C. Shukla:** May I know if it is fact that the mishap occurred because the original design and specifications were changed?

**Sardar Swaran Singh:** No, Sir.

**Shri V. C. Shukla:** May I know if the work was allotted to the contractor by negotiation irrespective of the tenders submitted?

**Sardar Swaran Singh:** I have no such information. That does not arise out of this.

**Shri V. C. Shukla:** May I know if appreciable financial loss has been suffered because the floors of certain

other buildings have not been concreted according to specifications?

**Sardar Swaran Singh:** Not to my knowledge.

उत्तुग गवेषणा केन्द्र  
+  
\* श्री भवत दर्शन :  
\* श्री दी० च० शर्मा :

क्या जिला और वैज्ञानिक गवेषणा मंत्री ६ मितम्बर, १९५३ के तारांकित प्रश्न संस्था १९०७ के उत्तर के सम्बन्ध में यह बताने की कृपा करें कि :

(क) क्या उत्तुग गवेषणा केन्द्र की स्थापना के बारे में हुई मंगोली की कार्यवाही इस बीच प्राप्त हो गयी है;

(ख) यदि हा, तो क्या कार्यवाही की एक प्रति सभा-पट्टल पर रखी जायेगी; और

(ग) मंगोली में हुई चर्चा के आधार पर भूमि योजना के बारे में क्या कार्यवाही की जा रही है?

जिला और वैज्ञानिक गवेषणा उद्देश्य (श्री श्री० श्री० दास) : (क) से (ग). केवल एक सप्ताह पूर्व, २६-११-५३ को, भारत की राष्ट्रीय विज्ञानशाला में संगोली की कार्यवाही की कुछ प्रतिया प्राप्त कर ली गई है तथा दो प्रतिया सम्पूर्ण के पुस्तकालय में रख दी गई हैं। मंगोली के विचारों को ध्यान में रखते हुए वैज्ञानिक-वीज्ञानिक-धनुसंधान परियद् उत्तुग गवेषणा केन्द्र की स्थापना के सम्बन्ध में यह समय विचार करेंगी।

श्री भवत दर्शन : जहा तक मुझे याद है यह मंगोली मई सन् १९५५ में गुलबर्ग में हुई थी। मेरे जानना आहता हुआ कि इसको केवल प्रपनी रिपोर्ट देने में डाई चर्च का इसना लगवा समय क्यों सग गया?

**Shri M. M. Das:** The symposium was organised by the National Institute of Sciences of India, a non-official organ-

sation consisting of scientists. It is not possible for us to say why they took so much time, neither can we compel these non-official organisation to expedite the publication of their report.

**श्री भक्त दशन :** क्या माननीय मंत्री केवल संक्षेप में यह बतलाने की कृपा करेंगे कि इस रिपोर्टरी के बारे में क्या सिफारिश की गयी है? आया इसे स्थापित किया जायेगा या नहीं किया जायेगा?

**Shri M. M. Das:** We have said that a few copies of the report have been received only last week. We have not yet gone through the whole of the report. It is a big, voluminous report, and it will take some time before we go through the report and take some decision on it.

**श्री भक्त दशन :** क्या माननीय मंत्री को यह जात है कि इस प्रश्न पर पिछले समझौते पांच या साँ बर्षों से विचार किया जा रहा है और अभी तक केवल विचार ही किया जा रहा है? इसलिये क्या इस सम्बन्ध में कुछ शीघ्रता से निर्णय करने का प्रयत्न किया जायेगा?

**Shri M. M. Das:** The hon. Member may kindly realise that about these matters Government badly requires the help, advice and suggestions of the scientists of our country. A symposium was organised by the National Institute of Sciences, a private, non-official organisation. We have received their suggestions only last week. So, it will take some time.

#### World Youth Organisation

**“906. Shri Bagnan Singh:** Will the Minister of Education and Scientific Research be pleased to state whether it is a fact that a convention of World Youth Organisation is going to be held in India in August, 1958?

**The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali):** The Government of India has no such

proposal; but it is understood from the India Committee of the World Assembly of Youth, that they propose to hold the next Session of the General Assembly of Youth, in India in August, 1958.

**श्री रघुनाथ सिंह :** मैं यह जानना चाहता हूँ कि सरकार की तरफ से इस प्रारंभोनाइजेशन को क्या सहायता प्राप्त होगी और कौन कौन देश इसमें शामिल हो रहे हैं?

**डॉ कांता लाल श्रीमारी :** जहा नक सरकार को मालूम है ५० देश इस संगठन में सम्मिलित हैं और मेरा स्थान है कि ममी देशों के प्रतिनिधि उपस्थित होंगे। सरकार से अभी निश्चित रूप में कोई सहायता नहीं मांगी गयी है और यह लिखा गया है कि कानफरेंस के मुताल्लिक जो ज्यादातर स्वर्चा होगा उसको यह संगठन ही बरदास्त करेगा।

**श्री भक्त दशन :** मैं यह जानना चाहता हूँ कि यह जो सम्मेलन किया जा रहा है इसमें 'युवक' की क्या परिभाषा होगी क्योंकि मास्को में जो युवक समारोह हुआ था उसमें बताया जाता है कि ५० और ५५ साल के लोग भी जवान समझे गये थे।

**Mr. Deputy-Speaker:** Need not be answered.

**Shri Hem Barua:** May I know if the invitations to the countries that will attend this World Youth Conference would conform to the composition of the U.N. membership or be according to the tenets of our foreign policy?

**Dr. K. L. Shrimali:** There is no question. This is a world assembly of youth and functions through national committees, and naturally the representatives of the organisations which are members of this organisation will participate in the conference.

**Shri Panigrahi:** The hon. Minister said that the particular youth organisation called the world Assembly of Youths is sponsoring this convention. May I know whether the countries

like the Soviet Union and other Democracies are being invited to this convention?

**Mr. Deputy-Speaker:** That would not be for the Government to say whether they would invite or not; it would be for the organisation.

**Shri Panigrahi:** They have got a list, therefore I wanted to know.

**Mr. Deputy-Speaker:** Whether they would invite all of them or not would be for the organisation, not for the Government, to say.

**Shri Vasudevan Nair:** May I know whether this World Assembly has any affiliated national unit in India, and if so, what is their membership?

**Dr. K. L. Shrimali:** There are three organisations which are connected with this organisation: the AICC Youth Department, the Congress Seva Dal and the Akhil Hindu Yuva Sangh.

**Shri Ansar Harvani:** Is the Government aware that the youth organisations in the Soviet Union and the People's Republic of China are not affiliated to this Assembly?

**Dr. K. L. Shrimali:** Hon. Members are asking questions which have absolutely no relevance to this question.

**Mr. Deputy-Speaker:** They are giving information.

**Shri Punnoose:** May I know the total membership of those organisations which are affiliated to this world organisation from India, and may I also know whether there are other youth organisations which are not affiliated to this?

**Dr. K. L. Shrimali:** I have already answered that question. I have already said there are three organisations which are affiliated to this organisation.

**Mr. Deputy-Speaker:** The question is whether their strength is known or not.

**Dr. K. L. Shrimali:** I cannot give their number or strength.

**Shri Panigrahi:** I would like to know the nature of help that the Government of India is proposing to extend to this Convention.

**Dr. K. L. Shrimali:** The organisation wrote to the Government to give some assistance, but the organisation has not yet indicated the special kind of assistance it would need, and I am told most of the expenditure would be met by the organisation itself.

**Shri Heda** rose.—

**Mr. Deputy-Speaker:** Would he like himself to be included in youth?

**Shri Heda:** At least I am connected with some organisations.

**Mr. Deputy-Speaker:** All right.

**Shri Heda:** May I know whether the Government of India think it advisable that from the Indian point of view they should accept some organisations in India as representatives of Indian youth, and if so, whether they have accepted some organisations, and in that case, may I know the names of those organisations?

**Dr. K. L. Shrimali:** Government has no organisations of its own. Government wants to encourage all organisations which work on democratic lines.

#### India Re-insurance Corporation

**997. Shri Heda:** Will the Minister of Finance be pleased to state:

(a) whether Government have studied the working of India Re-insurance Corporation Ltd.; and

(b) whether they are satisfied with its working?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) and (b). The India Re-Insurance Corporation Limited which is a private enterprise, commenced working from the 1st January, 1957. The report of its first year of working will be available only sometime about the middle of 1958.

**Shri Heda:** May I know whether this Corporation is covering the total work that is there for re-insurance, or will some business be left for outside agencies?

**Shri B. R. Bhagat:** It is very difficult to say, because the Corporation has just started functioning, but it covers the reinsurance business in the fire, marine and general miscellaneous fields. As to what percentage of that total business is covered, I am not in a position to give the information.

**Shri Biren Roy:** May I know which insurance companies are the units of this reinsurance organisation, if it is a non-official body?

**Shri B. R. Bhagat:** The insurance companies, both Indian and non-Indian, carrying on general insurance business in India are units; they have subscribed to its capital.

**Shri Biren Roy:** May I know the names? I wanted the names. I want to know whether all these insurance companies in India are there or some.

**Shri B. R. Bhagat:** I do not have the information at present.

State Bank of India

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999 { Shrimati Renu Chakravarty:  
Sardar Iqbal Singh:

Will the Minister of Finance be pleased to state:

(a) the total number of branches opened by the State Bank of India in rural areas in 1956-57 and 1957-58, so far;

(b) the number of those opened in West Bengal; and

(c) the total amount of credit advanced directly to agriculturists, State-wise?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) The numbers of branches of the State Bank of India opened in 1956-57 and so far in 1957-

58 are respectively 58 and 68 out of which 42 and 50 respectively are in places having a population of 30,000 or less.

(b) The numbers of State Bank branches opened in West Bengal in 1956-57 and so far in 1957-58 are respectively 3 and 5 out of which 1 and 2 respectively are in places having a population of 30,000 and less.

(c) It is not possible to give precise figures. The word "agriculturists" can be interpreted in more than one way. The State boundaries have changed. The collection of the figures asked for will involve rearrangement of a vast amount of statistics on different hypotheses and will take a disproportionate amount of time and labour.

**Shrimati Renu Chakravarty:** May I know how many more branches are waiting to be opened till March, 1958, in West Bengal?

**Shri B. R. Bhagat:** I do not have that information.

**Shrimati Renu Chakravarty:** In view of the fact that the number of co-operative banks has increased, is it a fact that the total amount of credit which is made available to the agriculturists through these banks has fallen lower than what it was last year?

**The Minister of Finance (Shri T. T. Krishnamachari):** The question of making credit available to co-operative banks is not primarily the duty of the State Bank; it is the duty of the Reserve Bank; and the credit is made available by the Reserve Bank to the Co-operative Apex Societies through the medium of the States in some cases and directly in other cases. The State Bank does not come into the picture directly.

**Shri Prabhat Kar:** May I know if it was stipulated that the State Bank of India will open 100 branches per year and, if it has failed, why it has failed?

**Shri T. T. Krishnamachari:** The stipulation is there and I would not

say that it has failed. I think this question of opening branches has gathered momentum of late and we have to wait till the period for which the total figure was fixed in order to judge whether it has failed or not.

**Shri M. Ramanathan Chettiar:** May I know whether the Government is satisfied with the progress of the State Bank of India in respect of opening branches in the rural areas and providing rural credit as per the recommendations of the All India Rural Credit Survey Committee?

**Shri T. T. Krishnamachari:** I am afraid this is a very big question. So far as the first part of the question is concerned, I have answered it in reply to a question of the hon. Member Shri Prabhat Kar. In regard to the second part of the question, the Rural Credit Survey Committee's recommendations do not actually throw all the obligations on the State Bank. We have been considering various methods by which we can augment the amount of credit available to the rural sector and some steps have been taken in that regard through the Reserve Bank of India.

**Shri M. R. Krishna:** May I know whether it is a fact that the credit-worthy farmers, in other words the wealthy farmers, alone are entitled to credit facilities and the farmers, especially who are crop-sharers are not at all entitled to any loan from this credit; and, if so, whether the Government propose to bring any change in the rules to enable the poorer farmers to have all the facilities?

**Shri T. T. Krishnamachari:** I am afraid my hon. friend has not caught quite the nature of the original question. This matter refers to the State Bank. The question of providing credit facilities for a farmer who would not ordinarily, according to banking ideas, be credit-worthy is sought to be overcome by the co-operative institutions where there is a joint responsibility and it is to the co-operative institutions that we should look for more credit being made available

to the farmers on the basis of their personal guarantees rather than their being so much worth in property.

**Shri N. R. Munisamy:** What are the considerations that are taken into account before opening a branch in a particular locality; is it on the basis of population or business turn-over? What is the real criterion?

**Shri T. T. Krishnamachari:** The question of population, I think, should be secondary; the question of prospects of business and the service the branch would possibly render to the public would be the primary consideration.

**Shri S. C. Samanta:** Is it not a fact that in some cases branches could not be opened because of the non-availability of accommodation in those places? And, if so, will Government find out means to have their own accommodation.

**Shri T. T. Krishnamachari:** I am not able to say with any definiteness that the position envisaged by my hon. friend is correct. It may be. But, if it is this, I think, we have to seek remedies and the remedy suggested by him might be one of them.

**Shri M. R. Krishna:** May I know how far it is correct that these credit facilities, either through the co-operative societies or directly by the State Bank, are only paper facilities according to Balwant Rai Mehta's report? If so, what remedies do Government propose to take?

**Shri T. T. Krishnamachari:** I have not yet seen any report which says that all credit facilities are paper facilities only. Until I know precisely what that report indicates and to whom it refers, I am not in a position to answer it.

वित्तीय का किसा

\*६१२. घो बाबरेंदी : क्या वित्त और वैज्ञानिक विवेचना मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि वित्तीय

का इतिहास प्रसिद्ध किसा नितान्त शोधनीय स्थिति में है ;

(क) क्या यह सच है कि उसकी सफाई, मरम्मत और सुरक्षा की कोई स्थायी व्यवस्था नहीं की गयी है ; और

(ग) यदि हां, तो इस प्राचीन स्मारक की सुरक्षा के लिये सरकार क्या कार्यवाही करने जा रही है ?

शिल्पा और वैज्ञानिक विवेकानन्द मंत्रालय में राज्य-मंत्री (डा० का० ला० श्रीमानी) : (क) और (ग). जो, नहीं ।

(ग) प्रश्न नहीं उठता ।

श्री वाजपेयी : क्या यह सच है कि चित्तोड़ के किले में यात्रियों के निवास के लिए कोई उचित व्यवस्था नहीं है, इसके कारण जो भी यात्री किसा देखने जाते हैं, भरेशान होकर कापिस द्वारे हैं ?

डा० का० ला० श्रीमानी : जी हां, डाक बंगला है, उसमें यात्री लोग ठहर सकते हैं और मेरे स्थाल में वह काफी अच्छी मुविधा है ।

श्री वाजपेयी : क्या यह सच है कि चित्तोड़ के कुछ प्रभुल नागरिकों ने बहा पर यात्रियों के निवास के लिए एक भर्यशाला बनाने का प्रस्ताव रखा है और क्या इस भव्यन्य में उन्होंने सरकार से कोई सहायता मांगी है ?

डा० का० ला० श्रीमानी : मेरे पास ऐसा कोई रिपोर्टेशन नहीं आया है परन्तु आपना तो उस पर विचार किया जायेगा ।

श्री जगत दर्शन : कुछ वर्ष पहले चित्तोड़ के स्थान को घैर धर्मिक रमणीय और भाक-वंक बनाने की एक योजना तैयार की गई थी, मैं वास्तव आहुता हूँ कि उस सम्बन्ध में क्या कार्यवाही की जा रही है ?

डा० का० ला० श्रीमानी : जी हां, यदि माननीय सदस्य चित्तोड़ जाकर देखें तो पायेंगे कि इन पिछले तीन सालों में उसकी तस्वीर बिल्कुल बदल गई है और जो पुराने लंडहर थे उनकी मरम्मत कर दी गई है और काफी अच्छी हालत में उनको कर दिया गया गया है ।

श्री रामेश्वर टोटिया : क्या यह सच है कि भीराबाई का जो प्रसिद्ध मन्दिर चित्तोड़ के किले में है उसमें एक मूर्ति स्थापना के लिए सरकार विचार कर रही है ?

डा० का० ला० श्रीमानी : जी नहीं ।

श्री प० ला० शाक्तपाल : माननीय मंत्री ने अभी बतलाया कि डाक बंगले में यात्रियों के ठहरने की व्यवस्था है तो क्या मैं जान सकता हूँ कि डाक बंगले में किस श्रेणी के व्यक्ति ठहर सकते हैं ?

डा० का० ला० श्रीमानी : डाक बंगले में सभी लोग ठहर सकते हैं ।

श्री प० ला० शाक्तपाल : किसान भी ठहर सकते हैं ?

डा० का० ला० श्रीमानी : वहां ठहरने का पैसा देना पड़ता है ।

उपायकल महोदय : किसान भी बहां पर ठहर सकते हैं सिफं पैसा देना पड़ता है ।

श्री प० ला० शाक्तपाल : कितना पैसा देना पड़ता है ?

उपायकल महोदय : यह यह तो बहुत मुश्किल है ।

State Finance Ministers' Conference

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*913.	Shri Bimal Ghose:
	Shri Tangamani:
	Shri Assar:
	Sardar Iqbal Singh:
	Shri S. M. Banerjee:

Shri N. R. Munisamy:

Will the Minister of Finance be pleased to lay on the Table a statement showing:

(a) the agenda of the State Finance

Ministers' Conference held in Delhi on the 18th November, 1957;

(b) whether it has been agreed at the Conference to replace sales tax on commodities by additional excise duty;

(c) if so, what are the commodities concerned;

(d) other decisions arrived at in the Conference; and

(e) the steps Government propose to take to implement these decisions?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) A copy of the press communique setting out the subject for discussion at the conference issued on the 12th November, 1957 is placed on the Table of the Lok Sabha. [See Appendix III, annexure No. 94].

(b) to (e). The discussions at the conference were informal and confidential and no decisions as such were taken. The various matters considered at the meeting are being processed further in the light of the views expressed at the meeting.

**Shri S. M. Banerjee:** May I know whether any decision was taken to exempt foodgrains from the sales-tax to help lowering down of the prices and, if so, whether the State Governments have agreed to this?

**Shri B. R. Bhagat:** No, Sir.

**Shri Basappa:** May I know whether the Indian Coffee Board has recommended to the Government that the sales tax on coffee may be replaced by additional excise duty and, if so, whether the Government is considering that question?

**Shri B. R. Bhagat:** It never came up for discussion in the Conference.

**Shri B. S. Marthi:** May I know whether the question of small savings was discussed and, if so, what steps are proposed to be taken for having a better and " " drive in that line?

**Shri B. R. Bhagat:** Yes, Sir. This matter was generally discussed in the Conference.

**Shri B. S. Marthi:** I wanted to know whether any steps were taken in respect of the drive for small savings.

**Mr. Deputy-Speaker:** The information available is only so much that this matter was discussed.

**Shri N. R. Munisamy:** May I know whether in view of certain decisions as regards the prevention of evasion of taxes as well as the collection of income-tax arrears, any concrete proposals have been put forward by the Ministers as to the investment of certain extra powers in the Income-Tax Officers in the States to collect the taxes due to the Union, with a view to collect the entire tax on this behalf by issue of certificates by them?

**The Minister of Finance (Shri T. T. Krishnamachari):** Certain difficulties that are in the way have been pointed out to the State Finance Ministers and we have obtained from them the assurance that all possible co-operation, to the extent that it can be possible and is necessary, will be forthcoming.

**Shri Rameshwar Tantia:** May I know whether the news in the newspapers that sales-tax will be abolished on sugar, cloth and such things is true and, if so, what will happen to the stocks which are lying with the dealers?

**Shri T. T. Krishnamachari:** When a decision of that nature is taken, then I think the question will arise.

**Shri Panigrahi:** May I know whether the State Finance Ministers were asked to increase their revenue from new taxes and what was the reaction of the State Governments?

**Mr. Deputy-Speaker:** That would not be covered by this restricted question.

**Shri Heda:** May I know whether many of the State Finance Ministers expressed the view that their revenues

from sales-tax would be augmented by about five times more if they are replaced by the additional excise duty and, if so, are the Government proposing to take any steps thereon?

**Shri T. T. Krishnamachari:** The matter was generally discussed, as I said. Whether the income will be augmented or not depends upon the nature of the steps that are taken. It would be rather premature for me to discuss the matter at this stage.

**Ch. Ranbir Singh:** May I know whether the Conference considered the replacement of the outmoded land revenue system by some progressive taxation policy?

**Mr. Deputy-Speaker:** Sales-tax is sought to be removed in lieu of certain additional excises. Next question.

**Shri B. R. Bhagat:** I am sorry it is a long answer in Hindi.

**Mr. Deputy-Speaker:** If he has prepared it, he might read it.

ग्रन्थीम फैक्टरी, गाजीपुर

\*६१४. श्री सरदू पांडे : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि .

(क) गाजीपुर जिले की अफीम फैक्टरी के पास कितनी एकड़ भूमि है ;

(ल) क्या यह सब है कि पोलीटेक्निक इंस्टीट्यूट के प्रिसिपल तथा उत्तर प्रदेश सरकार ने केन्द्रीय सरकार से इंस्टीट्यूट के विस्तार के लिए भूमि देने के सम्बन्ध में प्रार्थना की थी;

(ग) यदि हो, तो कितनी एकड़ भूमि की मांग की गयी थी और सरकार ने इस सम्बन्ध में क्या कार्यवाही की है; और

(घ) क्या सरकार अफीम फैक्टरी की बेकार जनील पर कोई फैक्टरी निर्माण करने का विचार कर रही है?

वित्त उपर्युक्त (श्री ब० रा०) वक्ता :  
(क) ११५ एकड़ ।

(क) पोलीटेक्निक इंस्टीट्यूट के प्रिसिपल के पास से सीधे कोई प्रार्थना-पत्र नहीं आया था। उत्तर प्रदेश के उद्योग निदेशक (डाइरेक्टर ऑफ इंडस्ट्रीज) ने उत्तर प्रदेश सरकार की मार्फत केन्द्रीय सरकार से यह प्रार्थना की थी कि वह पोलीटेक्निक के विस्तार के लिए, गाजीपुर अफीम डिवीजन की बेकार भूमि और इमारतें उक्त संस्था को दे दे।

(ग) जिन्हें एकड़ भूमि मागी गयी थी उसका विवरण इस प्रकार है :

(१) कार्यालय भवन और  
गोदाम २८२२६.८८ एकड़

(२) भवन के साथ छोड़ी  
जाने वाली भूमि ६.३३ एकड़

राज्य सरकार को अभि तथा इमारतें सौप देने की बात को अन्तिम स्पष्ट दिया ही जाने वाला था कि सांबंधित निर्माण विभाग, गाजीपुर के जिला इंजीनियर ने गाजीपुर के जिला मजिस्ट्रेट और कलक्टर को यह सुझाव दिया कि टूटी फटी दशा में होने के कारण ये इमारतें पोलीटेक्निक इंस्टीट्यूट के लिए न ली जायें। गाजीपुर के कलक्टर ने यह सुझाव अवश्य रखा कि राज्य सरकार इन इमारतों को केवल इस तात्पर तरीके सकती है कि केन्द्रीय सरकार इनकी कोई कीमत न मांगे क्योंकि, उनके विचार से, ये इमारतें, टूटी फूटी होने के कारण, बोझ ही अधिक है। गाजीपुर के जिला मजिस्ट्रेट और कलक्टर का यह सुझाव स्वीकार नहीं किया जा सकता कि इमारतों की कोई कीमत लिये जिन्होंने इन इमारतों और भूमि का हस्तांतरण कर दिया जाय, क्योंकि केन्द्रीय सरकार की इमारतों को, भूस्त लिये जिन्हा किसी राज्य को दे देने की अनुमति नहीं है।

(घ) नहीं : उत्तर प्रदेश भूमि पर कोई कारबाना लोगने का केन्द्रीय सरकार का विचार नहीं है।

श्री सरबू पाण्डे : वहां पर जो जमीन है, क्या केन्द्रीय सरकार ने उसमें से कुछ हिस्सा पोलिटेक्निक इंस्टीट्यूट के लिये दे दिया है ?

श्री ब० रा० भगत : मकान के साथ जो जमीन है वह पोलिटेक्निक इंस्टीट्यूट को किराये पर दे दी गई है ।

श्री सरबू पाण्डे : जो जमीन वहां पर थी, उस में से सरकार ने कोई प्लाट दिया है या नहीं ?

उत्तराधिकार महोदय : कहा तो गया है कि एक हिस्सा दे दिया गया है ।

श्री ब० रा० भगत : मकान के साथ जो जमीन थी वह दी गई है, असम कोई जमीन नहीं दी गई ।

श्री सरबू पाण्डे : उसका मुद्रावजा आमी संगत्या नहीं ?

**Mr. Deputy-Speaker:** Has compensation been assessed?

श्री ब० रा० भगत : कम्पेन्सेशन किस लिए ? इस का तो कोई सवाल ही नहीं उठता ।

**National Council of Applied Economics Research**

४१४८. { Shri Shree Narayan Das:  
Shri Radha Raman:

Will the Minister of Finance be pleased to state:

(a) whether the National Council of Applied Economics Research has submitted any suggestions and recommendations to Government as a result of a detailed study of the impact of India's tax structure on present and potential foreign investments;

(b) if so, whether a copy of such recommendations will be placed on the Table;

(c) whether these have been examined;

(d) if so, the nature of the reaction of Government; and

(e) whether any, and if so, which of the recommendations are proposed to be implemented by Government?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) and (b). The National Council of Applied Economic Research has forwarded to Government copy of its Study of Taxation Laws in India in relation to foreign investments. Its recommendations have been summarised in pages 154 to 157 and an extract thereof is laid on the Table of the Lok Sabha [See Appendix III, annexure No. 95].

(c) to (e). These recommendations will doubtless form part of the considerations that Government will bear in mind when reviewing fiscal policy from time to time.

**Shri Shree Narayan Das:** May I know whether, in order to implement some of the suggestions which would be acceptable to the Government, any legislation will be put forward in this House during this session?

**The Minister of Finance (Shri T. T. Krishnamachari):** We have not yet examined these suggestions I do not know if they are going to be accepted by the Government at all.

**Shri Shree Narayan Das:** May I know whether it is a fact that some suggestion with regard to this question has already been offered by the delegation which just went to the European countries and whether this suggestion could also be considered by the Government?

**Shri T. T. Krishnamachari:** I have seen in the newspapers that the delegation which went abroad has made certain suggestions. I have not seen those suggestions yet. Naturally all suggestions made by responsible organisations will be taken into consideration at the appropriate time if such a time does occur.

**Shri Radha Raman:** May I know, if the recommendations made to the Government are implemented and to what extent they will affect the revenues of the Government?

**Shri T. T. Krishnamachari:** We have not yet had any examination of these suggestions. So, I am not in a position to say anything about it.

**Shri Shree Narayan Das:** In view of the fact that from time to time in the newspapers and at other places also it is stated that there is no congenial atmosphere for the investment coming from foreign countries may I know whether the hon. Minister, has in his tours, found that the reasons, namely, that the climate is not congenial, have really any truth?

**Shri T. T. Krishnamachari:** My own feelings in this matter is that the concessions that are now given for investment of foreign capital are not quite understood. They are quite considerable. I felt it was my task to tell them what these concessions were and put them in form and publicise them. I think the concessions that we are giving are not given by many countries of the world. May be there are other procedural matters perhaps in which some kind of discussion is possible, because we have had discussions in various countries on this question of avoidance of what is called double taxation. It is being done on the basis of mutual agreement between the two countries. This kind of thing goes on. But if anything has been suggested in addition to what is now obtaining well, that matter would have to be examined and I am not in a position to say whether there is much room for it or there is not much room for it. It is a thing which can be revealed only after examination.

#### Lignite Deposits in Kashmir

\*918. **Shri Rameshwar Tantia:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that lignite deposits exist in Nichama, Handwara Tehsil of Kashmir; and

(b) if so, the steps being taken to explore these deposits?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) Yes, Sir.

(b) A detailed investigation is being carried out by the Geological Survey of India. Two bore holes have so far been drilled. The work is in progress.

**Shri Rameshwar Tantia:** May I know the estimated quantity of lignite deposits available there?

**Shri K. D. Malaviya:** The rough estimates are about 14 million tons. More bore holes have to be drilled to get precise information.

**Shri Rameshwar Tantia:** May I know how far this will affect the jungles and whether the Government is trying to do something to explore it so that there can be more fertilizer also?

**Shri K. D. Malaviya:** Yes Sir. The programme is for search for more lignite. But I am unable to say what the implication of the search will be with regard to conservation of forests.

#### Enquiry into death of Dr. B. R. Ambedkar

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Shri B. C. Kamble:
Shri D. A. Katti:
*919. Shri B. K. Gaekwad:
Shri Dige:

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 509 on the 26th November, 1957 and state:

(a) whether a copy of the report of the enquiry into the death of Dr. B. R. Ambedkar will be laid on the Table; and

(b) if not, the reasons therefor?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) and (b). I do not think it will be appropriate to lay on the Table a copy of the confidential report submitted by the Deputy

Inspector-General of Police, Delhi. However, I might inform the hon Members that the police officer who made careful enquiries and examined medical witnesses came to the conclusion that it was proved beyond a shadow of doubt that Dr Ambedkar's death was due to natural causes, and there was no evidence whatsoever to suspect any foul play. The Deputy-Inspector General of Police also recorded the evidence of Dr Tirodkar and Dr Tulpule of Bombay. Dr Tirodkar had examined Dr Ambedkar several times from 1946 to 1956. He stated as follows:

"Last time in 1956 when I saw him he was definitely showing signs of congestive cardiac failure. In view of the long history of his illness and the state of health in which I saw him I am surprised how he could have lived such a long time as he did."

Dr Tulpule's evidence was

"I examined Dr Ambedkar several times during the past 3-4 years. He was suffering, in 1953 or thereabouts, from congestive cardiac failure following broncho pneumonia. His cardiograms showed progressive deterioration and when seen last a few months before his death he was suffering from attacks of cardiac asthma. Considering his age, long-standing diabetes and continued weakness of heart accompanied by occasional periods of cardiac failure, his general health could be regarded as seriously damaged."

Five electro-cardiograms of Dr Ambedkar were examined by a special Medical Board convened by the Director-General, Health Services, Government of India, and their opinion is as follows:

"We are of unanimous opinion that Dr B. R. Ambedkar had an attack of coronary-thrombosis in April, 1953. Thereafter, the electro-cardiogram shows cardiac changes of another attack in 1954.

In view of the fact that he was a diabetic and had myocardial degeneration, it is possible that he could have had a fatal attack of coronary-thrombosis before his death."

**Shri B. C. Kamble:** May I know whether the hon Home Minister will be pleased to tell this House whether besides the doctors now mentioned, any other doctor's statements were recorded and, if so, the names and addresses and whether their reports will be laid on the Table of the House?

**Pandit G. B. Pant:** There was another doctor regarding whom the questioner and others had some suspicion. So, the evidence cannot be of much use and has not been quoted because it did not, I think, seem to be quite credible and reliable to the questioner and those who share his belief.

**Shri B. K. Gaikwad:** May I know how many witnesses were examined and their statements recorded by the officer concerned?

**Pandit G. B. Pant:** Quite a large number of Members of Parliament and, besides them, some others too.

**Shri Naushir Bharucha:** What is the objection to placing on the Table the entire report?

**Pandit G. B. Pant:** Because the reports of policy enquiry are not published.

**Shri Naushir Bharucha:** In a matter like this an exception should be made.

**Pandit G. B. Pant:** It is not considered desirable because there are Members of Parliament and there were other witnesses and when a police officer records his report, he makes his comments about the evidence that is tendered and he uses such language as he is familiar with. I have placed the basic facts which should convince, I think, any person who looks at this question in an ob-

jective and impartial manner that there is no doubt about the real cause of the death.

**Dr. Sushila Nayar:** In view of the fact that Dr. Ambedkar was known to be ill for a considerable time and his death came about in a fairly normal and natural manner, especially with the poor health that Dr. Ambedkar was having, what occasion was there to suspect foul play and hold an enquiry?

**Pandit G. B. Pant:** Well, when we were approached for holding this investigation, we did not consider it necessary. But then several Members of Parliament wrote a communication and we felt that, having received such a communication from such a respectable body of Members of Parliament, it was necessary to hold an enquiry.

**Shri B. C. Kamble:** May I know whether the Government will be pleased to lay on the Table of the House communication, if any, issued from the Home Ministry to the officer investigating into this matter right from the commencement of the order of enquiry till the submission of the report?

**Pandit G. B. Pant:** I don't think any communications were sent except asking him to hold an enquiry or sometimes, perhaps, forwarding to him whatever representations were received. In any case, communications between the Government and its officials are not published.

**Shri B. S. Murthy:** May I know who was the doctor near Dr. Ambedkar at the time when Dr. Ambedkar died and what is the evidence given by that doctor?

**Pandit G. B. Pant:** Well, I understand his wife was a doctor too. She was there. There seems to be some suspicion in the matter. So, I wonder if she can be regarded as a doctor in this case or not. But others were per-

haps summoned after his death. But nobody then suspected that there was anything wrong about the affair.

**Shri Thimmaiah:** Among the doctors, is there any doctor who gave a different view?

**Pandit G. B. Pant:** So far as I am aware, none.

**Shri Naushir Bharucha:** May I know if those Members of Parliament who made the representation for the enquiry will be permitted to have access to the report?

**Pandit G. B. Pant:** Well, those Members of Parliament have already been given necessary information. It is as much for their information as for that of others that I have stated the facts.

**Shri Narayananarkutty Menon:** The hon. Minister said that already there is some suspicion and therefore an enquiry was ordered, and the conclusions and findings of the enquiry...

**Mr. Deputy-Speaker:** Not that Government had suspicion, but because a representation had been made by hon. Members of Parliament, by a large number nineteen Members

**Shri Narayananarkutty Menon:** Yes, Sir There was certain suspicion as far as certain Members of Parliament were concerned, and an enquiry was conducted And Government placed before the House the conclusions .

**Mr. Deputy-Speaker:** The question might be put direct.

**Shri Narayananarkutty Menon:** In view of the fact that only the conclusions of the enquiry and that part of the evidence which is in support of the conclusion is alone placed on the floor of the House, may I know whether Government will consider, in order to allay further fears and suspicions, that that part of the evidence which is against the conclusion also will be placed before the Members of Parliament, so that they may judge

about the correctness of this conclusion?

**Pandit G. B. Pant:** The conclusions, I think, I have already placed before the House. The finding is conclusive that the death was due to natural causes and that there was no ground for suspecting that there was foul play.

**Shri B. C. Kamble:** In view of the reply that the hon. the Home Minister has given to Starred Question No. 509, in which he said that the enquiries show that Dr. Ambedkar's death was due to natural causes, how is it and what is the reason that the hon. the Home Minister is now saying that there is no suspicion whatsoever?

**Pandit G. B. Pant:** Well, if I had said that "it does not show", I could have understood the question. "It shows" has been repeated by me today. In fact, none of the nineteen Members of Parliament who sent a representation could give any positive information as to whether any poison was given by any one, or whether any poison was purchased by anybody, or whether anything shady was done by anybody. And it was long after Dr. Ambedkar had been cremated that they got some sort of a suspicion, some of them. And the son of Dr. Ambedkar was here; some of the leaders were here. They were all assembled in Bombay. No such allegation or suggestion was made. All these are important facts. And here is the evidence of doctors.

After all, Dr. Ambedkar was one of our colleagues, one highly respected, for whom particularly I had very great regard. (Shri B. K. Gaikwad: Thank you). There is no question for thanking anybody for having sentiments of respect for another. These sentiments grow in the course of acquaintance and mutual association in public work or other ways. And had there been the least suspicion, I

would have followed it up with the utmost earnestness.

**Shri B. K. Gaikwad** rose—

**Mr. Deputy-Speaker:** Order, order. I am going to the next question.

**Shri B. K. Gaikwad:** You may go to the next question. But we protest against the attitude of the Government....

**Mr. Deputy-Speaker:** Order, order. There might be a protest.....

**Shri B. K. Gaikwad:** We walk out from the House.

**Mr. Deputy-Speaker:** Order, order. He can do whatever he likes but should allow the proceedings to go on. Next question.

(At this stage Shri B. K. Gaikwad and some other Members left the House).

**Shri Raghunath Singh:** Why are the Communists going out, Sir?

**Mr. Deputy-Speaker:** Order, order. I have already called the next question. Mr. Sharma.

#### Admission to Delhi Colleges

\*920. **Shri D. C. Sharma:** Will the Minister of Education and Scientific Research be pleased to state what steps have been taken so far to remove the difficulty of college-going students of Delhi who are not able to get admission in any educational institution?

**The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimati):** A statement is laid on the Table of the Lok Sabha. [See Appendix III, annexure No. 96].

**Shri D. C. Sharma:** In the statement it is said that so far as university education is concerned, the resources are going to be utilised for consolidation and improvement of quality and not for expansion. Is that the

considered policy of the Government for the whole of India or only for Delhi?

**Dr. K. L. Shrimali:** That is the accepted policy for the whole country.

**Shri Radha Raman:** It was announced by the Vice-Chancellor of the Delhi University that in view of the large number of students who are not able to get university education he was making some make-shift arrangement. May I know whether that arrangement has come about or is still pending?

**Dr. K. L. Shrimali:** One college has already been started.

**Shri B. S. Murthy:** According to the statement, Government do not consider expansion as being necessary. If there is no expansion, admission will be very difficult. May I know whether Government is contemplating a shift system?

**Dr. K. L. Shrimali:** No, Sir, not at the university stage.

**Shri Hem Barua:** The statement mentions that four evening colleges are proposed to be opened. Have they started functioning?

**Dr. K. L. Shrimali:** That proposal is still under consideration.

**Shri D. C. Sharma:** May I know what measures Government is going to adopt to prevent the expansion of university education in other parts of India also, besides Delhi?

**Dr. K. L. Shrimali:** We can do this only through the University Grants Commission. As I said, it is not possible for Government to provide indiscriminate expansion as far as university education is concerned. University education is meant only for those who can derive benefit out of university education. It is only through the grants that we give to the universities that we can control this tendency.

**श्री राधा रामन द्वारा :** क्या मैं जान सकता हूँ कि इस बात का पता लगाने की

कोशल की गई है कि इस बर्द कितने विद्यार्थियों को दिल्ली के कालिकोट में स्थान नहीं मिल पाया।

**Dr. K. L. Shrimali:** Yes, Sir, the total number of students who were refused admission was nearly 8,000.

**Shri Hem Barua:** In view of the fact that the hon. Minister has said that they are going to restrict admission, may I know if Government is going to start the measure of restriction after the pre-secondary stage as recommended in this report of the Indian educationists who visited U.S.S.R.?

**Dr. K. L. Shrimali:** The hon. Member is now going much beyond the scope of the question.

**Shri B. S. Murthy:** May I know whether this quality drive will affect the admission of Scheduled Caste students also?

**Dr. K. L. Shrimali:** I do not think it should affect them in any way.

**Shri Radha Raman:** Just now the hon. Minister has said that the number of students who were refused admission was as large as about 8,000. Only one new college has been added; and about three evening colleges he said the matter is under consideration. May I know whether in this academic year any expansion programme is going to be undertaken by the Delhi University to meet this need?

**Dr. K. L. Shrimali:** The only proposal is with regard to the evening colleges. That is under consideration.

#### Training of Archaeologists

• 921. **Shri Shree Narayan Das:**  
**Shri Radha Raman:**

Will the Minister of Education and Scientific Research be pleased to state:

(a) whether the proposal to set up an institution offering a two-year course for training of archaeologists on modern lines has been finalised;

(b) if so, nature of the decision; and

(c) the important features of the proposed institution?

**The Minister in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali):** (a) No, Sir.

(b) and (c). Do not arise.

**Shri Shree Narayan Das:** May I know whether this question is being considered by Government?

**Dr. K. L. Shrimali:** Yes, Sir.

**Shri Shree Narayan Das:** Has any enquiry been made to find out if there is no provision in any of the universities for these subjects?

**Dr. K. L. Shrimali:** There are certain Universities which have provision for the study of archaeology. As far as I am aware, none of the Universities provide facilities for practical archaeology.

**Shri Radha Raman:** May I know whether the Government has made any survey with regard to the needs of students of Archaeology research for the whole country?

**Dr. K. L. Shrimali:** I do not think any systematic survey has been made. But, it has been generally found that we get very few people who have knowledge and understanding of practical archaeology.

**Mr. Deputy-Speaker:** The Question hour is over.

#### WRITTEN ANSWERS TO QUESTIONS

##### Banking Companies Act, 1949

\*910. { **Shri Morarka:**

{ **Shri Nathwani:**

Will the Minister of Finance be pleased to state:

(a) whether any action was taken against any bank under the Banking

Companies Act, 1949 (as amended) after the Banking Companies Amendment Act, 1956 came into force; and

(b) if so, the names of such banks and the nature of the action taken?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) and (b). A statement showing the names of banks which were refused licence after the coming into force of the Banking Companies (Amendment) Act, 1956 is placed on the Table of the Lok Sabha. [See Appendix III, annexure No. 97]. Apart from these refusals of licence there has been no case of adverse action against any bank during this period although steps like ensuring submission of special returns and certificates and imposing of conditions have been taken from time to time.

#### Youth Festivals

\*910. { **Dr Ram Subhag Singh:**

{ **Shri Tangamani:**

Will the Minister of Education and Scientific Research be pleased to state whether there is any proposal to hold the Youth Festivals in future in other parts of the country?

**The Minister in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali):** There is no such proposal at present.

#### हिमाचल प्रदेश में भवित्व

\*911. श्री पद्मल देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश में ऐसे संकड़ों भवित्व और अन्य सामिक स्थान हैं, जिन्हें हिमाचल प्रदेश प्रशासन की ओर से सहायता भवुतान तक अन्य रियायतें दी जाती हैं;

(ख) यदि हाँ, तो क्या यह सच है कि भवित्वों की इस प्राय का दुष्प्रयोग होता है ; और

(क) कृपा सरकार इस आय की व्यवस्था और उसके उचित उपयोग के लिये कोई बोजना बनायगी ?

गृह-कार्य मंत्री (रंदिल गो. ब० पन्त) :  
(क) इस क्षेत्र में बहुत से मन्दिर हैं। अधिकारीय मन्दिरों को अनुदान के रूप में प्रशासन द्वारा सहायता दी जाती है और उनका प्रबन्ध तत्कालीन हिमाचल प्रदेश सरकार के आदेशानुसार प्रत्येक जिले में बनाई गई समितियों द्वारा किया जाता है। डिप्टी कमिशनर इस समिति का अध्यक्ष होता है। जिन मन्दिरों को प्रशासन द्वारा कोई आधिक सहायता नहीं दी जाती, उनकी देवभान मन्दिरों की समितियां स्वयं करती हैं। ऐसे मन्दिर जनता से प्राप्त होने वाले दाने से चलाए जाते हैं।

(क) मन्दिरों की आय के दुरुपयोग के सम्बन्ध में प्रशासन को कोई शिकायत नहीं मिली है।

(ग) सारे देश के लिये उपयुक्त कानून बनाने का प्रश्न सरकार के विचाराधीन है।

#### Money-Lenders in Delhi

\*915. Sardar Iqbal Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that an enquiry was held by the erstwhile Delhi State Government into the mal-practices of money-lenders;

(b) if so, the main features of the findings of this enquiry;

(c) whether any action has been taken in this regard; and

(d) if so, what?

The Minister of Home Affairs (Pandit G. B. Pant): (a) No.

(b) to (d). Do not arise.

#### Limestone Deposits in Punjab

\*917. { Shri Hira Raj:  
Sardar Iqbal Singh:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the different localities and places in Punjab where limestone deposits have been located;

(b) the quantity and quality of the same;

(c) whether the survey of the Dharamkot Area in Kangra Hills for the Limestone deposits has been completed and report received thereon; and

(d) if so, its commercial value?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). A statement giving the information is laid on the Table of the Lok Sabha. [See Appendix III, annexure No. 98].

(c) and (d). The survey of the Dharamkot area is in progress. The report thereon is likely to be completed by March, 1958. The Commercial value of the limestone deposits found there will be assessed when the investigation has been completed.

#### Joint Stock Companies

\*922. { Shri Morarka:  
Shri Nathwani:

Will the Minister of Finance be pleased to state:

(a) the number of Joint Stock Companies whose ownership was investigated under Section 247 of the Companies Act;

(b) whether the report of such investigation has been received by Government; and

(c) if so, whether Government would place a copy of the Report on the Table?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Two.

(b) Yes, in one case.

(c) Yes, if and when the Report is published.

**Merger of Cantonments with Local Bodies**

\*923. { Shri S. M. Banerjee:  
Shri Tangamani:

Will the Minister of Defence be pleased to state:

(a) whether there is a proposal to merge the Cantonments with the Municipalities or Corporations; and

(b) if so, when a final decision is likely to be taken on this matter?

**The Parliamentary Secretary to the Minister of Defence (Shri Fatesinghrao Gaekwad):** (a) and (b). There is no such proposal. The Estimates Committee have recommended in their 46th Report that the abolition of Cantonments as commonly understood should be the goal which should be reached in the minimum possible period. The recommendation is under consideration.

**Closure of Mines in Punjab**

\*924. **Sardar Iqbal Singh:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the name and the number of mines closed in the Punjab during 1956-57;

(b) the reasons therefor; and

(c) the steps taken to reopen them?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) Only one iron mine in Punjab, known as the "Chapra Biharipur" in Mohindragarh District, owned by the India Stone Lime Company was closed on the 30th June, 1957.

(b) The reason for closure is the Company's inability to market the ore.

(c) The State Trading Corporation of India (Private) Ltd. is making every attempt to sell the ore, but its phosphorus content is high.

**Election of Shri V. V. Giri**

{ Shri Vajpayee:  
Shri Sanganna:  
Shri R. C. Majhi:  
Shri B. C. Mullick:  
Shri Ignace Beck:  
Shri Kumbhar:  
Shri B. C. Kamble:  
Shri Manay:  
Shri D. A. Katti:  
Shri Balasaheb Salunke:  
Shri Dige:  
Shri Jaipal Singh:  
Shri Frank Anthony:  
Shri Barrow:  
Shri B. K. Gaikwad:

\*925.

Will the Minister of Law be pleased to state:

(a) whether Government have examined the constitutional implications involved in the declared election to the Lok Sabha of Shri V. V. Giri, Governor of Uttar Pradesh; and

(b) if so, the conclusions drawn?

**The Minister of Law (Shri A. K. Sen):** (a) The matter is still under the consideration of the Ministry of Law.

(b) The question does not arise.

**Training in Atomic Warfare**

\*926. **Shri Rameshwar Tantia:** Will the Minister of Defence be pleased to state:

(a) the action taken to train our Defence Forces in the technique of atomic warfare; and

(b) whether any Newsletter or Magazine is published for the Defence Forces containing news of latest technique of warfare and defence science?

**The Deputy Minister of Defence (Shri Raghuramaiah):** (a) No special steps have been taken to give training in the technique of atomic warfare to our defence forces. But some theoretical study of the technique of atomic, biological and chemical warfare is given at the Army's Training School.

(b) Yes, a number of journals are published on behalf of the defence services containing articles on the latest development in warfare including use of nuclear weapons.

It should be remembered that it is the declared policy of the Government of India not to use atomic weapons.

#### Senior Services Committee Report

\*927. { Shri Shree Narayan Das:  
Shri Radha Raman:  
Shri R. S. Lal:  
Shri Jadhav:  
Shri S. M. Banerjee:  
Shri Prabhat Kar:  
Shri A. K. Gopalan:  
Shri Warior:

Will the Minister of Finance be pleased to state:

(a) whether the report of the Senior Services Committee on Life Insurance Corporation for appropriately grading the officers of the former Insurance Companies taken over by the Corporation has been finally considered;

(b) if so, nature of the decisions taken; and

(c) the time by which question of fixation of seniority of officers will be settled?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) to (c). The consideration of the report has, I understand, reached an advanced stage and it is hoped that a decision will be taken very soon.

#### Backward Classes

\*928 { Sardar Iqbal Singh:  
Shri B. C. Kamble:

Will the Minister of Home Affairs be pleased to state the progress so far made regarding the adhoc survey that is being conducted by Government for classification of Backward Classes in India?

**The Minister of Home Affairs (Pandit G. B. Pant):** The work relating to the adhoc survey which is being conducted in the States of Madras, Bombay and West Bengal only as an experimental measure, is likely to be completed by February, 1958.

#### Delegation of Indian Educationists to U.S.S.R.

\*487. { Shri Harish Chandra Mathur:  
Shri Bibhuti Mishra:

Will the Minister of Education and Scientific Research be pleased to state:

(a) the main recommendations or suggestions made in the report submitted to the Government of India by the Team of Indian educationists who visited Russia at the invitation of the U.S.S.R. Government in September, 1956; and

(b) what benefit, if any, has been derived from this report by Government?

**The Minister in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali):** (a) The Delegation has not made any recommendations or suggestions.

(b) The report which has been published is an addition to educational literature brought out by Government.

#### State Bank of India

1293. **Shri L. Achaw Singh:** Will the Minister of Finance be pleased to state:

(a) whether there is any proposal to start a branch of the State Bank of India during 1957-58 at Imphal; and

(b) if so, when?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). A branch of the State Bank of India will be opened at Imphal as soon as accommodation suitable to the Bank's requirement is available. It cannot, however, be said definitely that the branch will be opened during 1957-58.

**Primary School Teachers**

1294. **Shri L. Achaw Singh:** Will the Minister of Education and Scientific Research be pleased to state:

(a) whether it is a fact that teachers of Primary Schools in the rural areas in Manipur have not been given their monthly salaries for the last three months;

(b) whether their salaries are despatched by postal money orders;

(c) the reasons for delay in the payment of their salaries; and

(d) whether any steps have been taken to remedy the situation?

**The Minister in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall):** (a) No, Sir.

(b) The salaries of Primary school teachers at places more than 5 miles from Imphal are sent by postal money orders.

(c) Some time is taken in transit through the Postal Department, particularly in the hill areas where postal services are subject to delay.

(d) The Director of Posts and Telegraphs of Assam has been requested to arrange prompt payment of money orders.

**Development of Lahaul and Spiti Areas**

1295. **Shri Hem Raj:** Will the Minister of Home Affairs be pleased to state:

(a) the amount sanctioned for the development of Lahaul and Spiti Scheduled Areas during the First Five Year Plan period and the amount expended out of it;

(b) the amount which lapsed during that period under different heads of expenditure;

(c) the amount that is to be expended during the Second Five Year Plan period;

(d) the amount sanctioned for 1956-57 and 1957-58; and

(e) the amount expended during 1956-57 and amount which lapsed during that year under different Heads?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) and (b). An amount of Rs. 19.13 lakhs was sanctioned for the development of Lahaul and Spiti in the First Plan period. Out of this an amount of Rs. 17.53 lakhs was spent and the rest lapsed. The distribution of the lapsed amount of Rs. 1.60 lakhs under different heads of expenditure is not available.

(c) to (e). A statement is laid on the Table of the Lok Sabha. (See Appendix III, annexure No. 99).

**Water Supply in Shillong**

1296. **Shri Amjad Ali:** Will the Minister of Defence be pleased to state:

(a) whether the Cantonment Board in Shillong get their supply of water from the Shillong Municipal Board under an agreement entered into and renewed annually on payment of a consolidated amount to the Municipal Board;

(b) whether it is a fact that a pleader's notice has been served on the Cantonment Board for their failure to renew their agreement for the year 1956-57 on terms and conditions offered by Municipal Board;

(c) whether it is a fact that the army authorities in Shillong are unwilling to hand over the Wah-Diengling Spring in Shillong which was given during war-time to military authorities on distinct understanding that it would be given back to the Municipal Board one year after the end of the hostilities; and

(d) whether it is a fact that failure on the part of the army authorities in Shillong to hand over the Wah-Diengling Spring to Shillong Municipal Board hampers the progress of starting a Refugee Colony in Umpling for which more than a lakh of Rupees has been spent by the Government of India?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Yes, on the basis of an agreement renewed not annually but periodically at varying intervals.

(b) Yes.

(c) The Wah-Diengling water supply scheme has been maintained by the Military authorities since its inception, and there was no agreement with the Municipal authorities to hand it over to them one year after the end of the hostilities.

(d) There is another source of water supply, namely, a stream flowing by the base of the Umpling site, from which it is possible to meet the requirements of the displaced families to be settled in the Colony.

#### Educational Grants

**1297. Shri M. V. Krishna Rao:** Will the Minister of Education and Scientific Research be pleased to state:

(a) the amount of financial assistance given to Andhra Pradesh during the First Five Year Plan period for their educational improvement programme; and

(b) the amount allotted in Second Five Year Plan?

**The Minister in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali):** (a) The amount given to the then State of Andhra Pradesh during the First Five Year Plan period was Rs. 36,73,110. Separate figures for the assistance given to that part of the erstwhile Hyderabad State which is now merged in the Andhra Pradesh are not available. A sum of Rs. 5,13,273 was given to then Hyderabad State.

(b) Central assistance for educational development is determined every year on the basis of the programmes drawn up by the State Governments with the approval of Planning Commission. The assistance given during the year 1956-57 and the allocation made for such assistance in

1957-58 are as follows:

1956-57	Rs. 22,38,451
1957-58	Rs. 69,00,000

Grants are also given for implementing schemes sponsored by the Central Government. So far a sum of Rs. 43,83,220 has been ear-marked for grants to the Andhra Pradesh for the remaining Plan period, to enable it to implement the following centrally sponsored programmes:—

Scheme of expansion of technical education.	42,59,000
Revision of District Gazetteers.	1,24,220

#### आग बुझाने के उपकरण

**1298. Shri M. D. Dixit:** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि आग बुझाने के उपकरणों में सुधार करने के लिये क्या कदम उठाये जा रहे हैं?

**गृह-कार्य मंत्री (Shri M. D. Dixit):** देश में इस समय आग बुझाने के लिये प्रयत्न होने वाले सब उपकरण विदेश में बने हुये हैं, इसलिये उनमें सुधार का कोई प्रश्न ही नहीं उठता।

भविष्य के लिये, गृह-मंत्रालय ने अनिश्चय में समिति बनाई है जिसका एक काम आग बुझाने के उपकरणों का मानीकरण करना होगा। समिति ने ऐसे उपकरणों के ३७ मदों के सम्बन्ध में अपनी सिफारिशें दे दी हैं और उन पर इंडियन स्टॉडर्ड इंस्टी-ट्रूट शीघ्र ही अपना निर्णय दे देगा। ये मानीकृत विषेषताएं देश में ही नियमितताओं के पास अपनाने के लिये भेज दी जायेंगी जिससे यह निश्चय हो जायेगा कि बनने वाले उपकरण अच्छी किसी के होंगे। राज्य सरकारों को भी सलाह दी जायेगी कि वे केवल ऐसे ही मानीकृत उपकरण प्राप्त करके प्रयोग में लावें।

### भारतीय पुलिस सेवा प्रशिक्षण केन्द्र, आग्रा

१२६६. श्री औ० श्री० विष्णु : क्या भूत-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) आग्रा स्थित भारतीय पुलिस सेवा प्रशिक्षण केन्द्र में कितने परिवीक्षाधीन व्यक्तियों के प्रशिक्षण की व्यवस्था है;

(ख) प्रशिक्षण की अवधि कितनी है;

(ग) इस केन्द्र में प्रशिक्षण के लिये परिवीक्षाधीन प्रशिक्षाधीयों का चुनाव किस प्रकार किया जाता है; और

(घ) इस केन्द्र में कितने प्रशिक्षक कार्य करते हैं और उनकी योग्यतायें क्या हैं ?

भूत-कार्य मंत्री (वंचित घो० घ० फल) :

(क) ७० ।

(ख) केन्द्रीय पुलिस प्रशिक्षण कालिकार में १२ महीने के प्रशिक्षण के अलावा लगभग दो महीने का सैनिक प्रशिक्षण ।

(ग) परिवीक्षाधीन व्यक्ति, संच सोक सेवा आयोग द्वारा सम्मिलित प्रतियोगी परीक्षा के परिणाम के आधार पर चुने जाते हैं जिसमें लिखित तथा व्यक्तित्व-परीक्षा होती है ।

(घ) कमांडेंट, डिप्टी कमांडेंट और ऐसिस्टेन्ट कमांडेंट, जो क्रमशः इंस्पेक्टर अनरल, डिप्टी इंस्पेक्टर अनरल और पुलिस सुपरिन्टेंडेन्ट की व्यक्तियों के होते हैं । इनके अतिरिक्त परिषिक्षकों की संख्या और उनकी योग्यतायें नीचे दी गई हैं :—

(१) पैदल सेवा के प्रशिक्षण, आस्थ प्रशिक्षण और सारीरिक प्रशिक्षण के लिये प्रशिक्षक जो पैदल सेवा, आस्थ और सारीरिक प्रशिक्षण

की योग्यतायें रखते हैं इनमें ये सब इंस्पेक्टर पुलिस तथा यह हैं कास्टेलिस की व्यक्तियों के हैं ।

(२) ऐकेनिकल ट्रांसपोर्ट प्रशिक्षक/ बायरलेस प्रशिक्षक — एक ।

• सिगनल्स में से पुलिस इंस्पेक्टर की व्यक्ति का एक भूतपूर्व सैनिक प्रशिक्षक ।

(३) चुड़सवारी जिसमें अस्तवल का प्रबन्ध भी शामिल है—एक राइडिंग मास्टर और दो पुलिस दफ्तरदार जो क्रमशः पुलिस इंस्पेक्टर और हैं कास्टेलिस की व्यक्ति के हैं ।

(४) कानून के लिये—पांच पुलिस अधिकारी जो कानून के स्नातक हैं । इनमें से एक डिप्टी सुपरिन्टेंडेन्ट पुलिस की व्यक्ति का और चार इंस्पेक्टरों की व्यक्ति के हैं ।

(५) अपराध का पता लगाने के लिये वैज्ञानिक सहायता—एक पुलिस इंस्पेक्टर जो विज्ञान का स्नातक है ।

(६) भवन निर्माण के लिये—केन्द्रीय सार्वजनिक निर्माण विभाग का एक सैक्सनल आफोसर ।

(७) चिकित्सा कानून विज्ञान और प्राथमिक चिकित्सा—ऐसिस्टेन्ट सर्जन की व्यक्ति का एक चिकित्सा स्नातक (मेडिकल डेजूट) ।

(८) हिन्दी—एक । अधिकारिय स्नातक/दसवीं पाठ्य अध्ययनका/

### बेंगली सीधी की व्यक्तिगती

१३००. वीर च० श० विष्णु : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सचिवालय सेवा—बेंगली ३ में १६५३ से अब तक अलग अलग (१) सीधी भर्ती द्वारा (२) विभागीय प्रतियोगिता परीकाओं द्वारा और (३) बरिष्ठता के द्वाबार पर कितने व्यक्ति नियुक्त किये गये;

(ख) उपरोक्त तीनों व्यंजियों में से किस ब्रेंगली में विकास की दृष्टि से उच्चतम योग्यता बाले सोग ह; और

(ग) अब सीधी भर्ती के लिये कब परीका सी जायेगी और उस में कितने व्यक्ति लिये जायेंगे?

गृह-कार्य मंत्री (वंचित शो० श० पक्ष)

(क) (i) ५१

(ii) १६४।

(iii) १६४।

(ख) बोड III में केवल सीधी भर्ती के लिये ही न्यूनतम शैक्षणिक योग्यतायें निर्धारित की गई हैं। सेकिन उस बोड में पदोन्नति द्वारा नियुक्ति के लिये एसी कोई योग्यताएँ निर्धारित नहीं की गई हैं। अधिकारियों की शैक्षणिक योग्यताओं का कोई तुलनात्मक रिकार्ड नहीं रखा जाता है।

(ग) १६५८। इस में से जिन व्यक्तियों की भर्ती करने का विचार है उन की अस्वाधी संख्या ४० है।

### व्यक्ति व्यक्तियों की नियुक्ति

१३०१. वीर शीलारामलक दास : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या १६५६ और १६५७ में अब तक अनींति व्यवहार के कारण व्यक्ति

हुए जिन्हीं व्यक्तियों को केन्द्रीय सरकार के पर्वों पर नियुक्त किया गया है; और

(ख) यदि हाँ, तो उन्हें किस भाषावर पर नियुक्त करने के योग्य समझा गया?

गृह-कार्य मंत्री (वंचित शो० श० पक्ष) :

(क) गृह-भवालय की १६५६-५७ की रिपोर्ट के दौरा १६ के अनुसार हिदायत आरी कर दी गई थी कि उचित मामलों में उन व्यक्तियों को नियुक्त किया जा सकता है जिन को अनैतिक व्यवहार के अपराध में दायित किया गया था। अनी यह सूचना उपलब्ध नहीं है कि इन हिदायतों के अनुसार कितने व्यक्तियों को नियुक्त किया गया है। यह सूचना एकत्र कर के ममा-पटल पर रख दी जावेगी।

(ख) ऐसे हर एक मामले का निश्चय उस के गुण अवकुण के द्वाबार पर किया जाता है। इस में सूच्य विचार यह रहता है कि सम्बन्धित व्यक्ति में कुछ विशेषताएँ हैं और उस ने अपने धाप को सुधार लिया है।

### सेवा नियम

१३०२. वीर शीलारामलक दास : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि निम्नलिखित नियमों को तैयार और सारूप करने के लिये क्या कदम उठाये गये हैं और इस सम्बन्ध में अब तक क्या प्रगति हुई है :

(१) प्रतिल भारतीय सेवायें (भव्ययन अवकाश) विनियम;

(२) प्रतिल भारतीय सेवायें (अस्वाधारण नियुक्ति बेतन) नियम;

(३) प्रतिल भारतीय सेवायें (वार्षिकी का चंद्रशीकरण) विनियम;

(४) अधिक भारतीय सेवाधारों के प्रविकारियों को संस्कृत, हिन्दी और अन्य प्रादेशिक भाषाओं के अध्ययन के लिये ओप्टसाहित करने के नियम ?

गृह-कार्य मंत्री (विदित गो० ब० पन्त) : (१) और (४) इन नियमों के मसविदे, विचार तथा टीका-टिप्पणी के लिये, सम्बन्धित राज्य सरकारों के पास भेज दिये गये हैं।

(२) और (३) इन नियमों के मसविदे तैयार हो रहे हैं।

उव्वमों में भर्ती

१३०३. श्री राम स० तिवारी : क्या गृह-कार्य मंत्री यह बताने को कृपा करेंगे कि :

(क) विभिन्न मन्त्रालयों द्वारा जो सीमित निगम बनाये जा रहे हैं, उनमें कर्मचारियों की भर्ती किस प्रकार की जाती है; और

(ख) क्या इनकी भर्ती के लिये काम दिलाऊ दफ्तरों और संघ लोक-सेवा आयोग की सहायता सी जाती है ?

गृह-कार्य मंत्री (विदित गो० ब० पन्त) : (क) कर्मचारियों की भर्ती के लिये स्व-शासित नियमों के अपने ही नियम होते हैं। नियमों के सर्वोच्च पदों पर नियुक्ति के लिये आमतौर से सरकार की स्वीकृति लेनी पड़ती है।

(ख) नियमों को सलाह देते हुये ऐसी हिदायतें जारी कर दी गई हैं कि जहां सक संभव हो वे काम दिलाऊ दफ्तर द्वारा भी जाए वाली सुविधाओं का उपयोग करें। संघ-सोक सेवा आयोग गियुक्तियों के सम्बन्ध में सिफारियों नहीं करता, वह केवल सरकार के अधीन पदों पर नियुक्ति के लिये ही सिफारित करता है।

भाषाई भारत संस्कृत

१३०४. { श्री हेड़ा :  
श्री बलराम कृष्णदधा :

क्या गृह-कार्य मंत्र यह बताने की कृपा करेंगे कि भारत सरकार द्वारा भाषाई अन्तर्राष्ट्रीय संस्कृतों के हितों के संरक्षण के लिये जो नियंत्रण किये गये वे उन्हें कार्यान्वित करने के लिये क्या किया जा रहा है ?

गृह-कार्य मंत्री (विदित गो० ब० पन्त) : भाषाई अन्तर्राष्ट्रीय संस्कृतों के संरक्षण पर एक ज्ञापन ४ सितम्बर, १९५६ को लोक सभा के पटल पर रख दिया गया था। ज्ञापन में दिये हुये नियंत्रण को कार्यान्वित करने के लिये उसकी प्रतियां राज्य सरकारों को भेज दी गई थी। भाषाई अन्तर्राष्ट्रीय संस्कृतों के लिये एक आयुक्त नियुक्त किया गया है जिसका यह कर्तव्य होगा कि संविधान के अन्तर्गत भाषाई अन्तर्राष्ट्रीय संस्कृतों को जो सरकार प्राप्त है उन से सम्बन्धित सब विषयों की जांच करके राष्ट्रपति को रिपोर्ट दे।

केन्द्रीय आदिम जाति कल्याण  
मंत्रलय बोर्ड

१३०५. श्री हेड़ा : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय आदिम जाति कल्याण मंत्रलय बोर्ड द्वारा आदिमजातियों के कल्याण के लिये जो योजनायें तैयार अथवा मंजूर की गई हैं, उनका रूप क्या है;

(ख) वे किस हद तक कार्यान्वित की गई हैं; और

(ग) उपरोक्त बोर्ड की अद्य तक कितनी बैठकें हो चुकी हैं ?

गृह-कार्य मंत्री (विदित गो० ब० पन्त) : (क) तथा (ख). बोर्ड की २१-११-५६ और १३-१०-५७ की बैठकों की कार्यवाहिया की प्रतियां लाठीकित प्रस्तुत करता है।

और १०४ के उत्तर में लोक सभा के पट्टल पर क्रमांक: २४-५-५७ और १३-११-५७ को पहले ही रखी जा चुकी हैं। बोर्ड द्वारा तैयार अवधार स्वीकृत की गई योजनाओं और उन पर की गई कार्यवाही का एक विवरण सभा-पट्टल पर रख दिया गया है। [वैसिये परिचय ३, अनुवाद संख्या १००]

(ग) दो।

सभकों की भवी

१३०६. श्री राधा रमेश : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत सरकार के विभिन्न मंत्रालयों तथा कार्यालयों के जिन १४५ कलकों को १६५६ में टाइप-राइटिंग की ट्रैनिंग दी गई थी वे कल मर्ती किये गये थे;

(ख) क्या मर्ती के समय इन कलकों के लिये टाइप-राइटिंग का जानना आवश्यक माना गया था; और

(ग) यदि नहीं, तो इसके क्या कारण हैं?

गृह-कार्य मंत्री (पढ़ित गो० ब० पम्त) :  
(क) इन १४५ अस्थायी कलकों को विभिन्न मंत्रालयों ने पिछले कुछ वर्षों में विभिन्न तारीखों पर नियुक्त किया था।

(ख) तथा (ग). भारत सरकार में कलके रूप में रहने की यह शर्त है कि वह अवक्षित उचित समय में टाइप-राइटिंग में विशेष योग्यता प्राप्त कर से। ऐसा माना जाता है कि नियुक्त होने वाले हर एक कलके को अपनी सेवा की शर्त की जानकारी होती है।

निपुण में भूमि का सर्वेक्षण और बन्धोवस्तु

१३०७. <sup>१</sup> श्री राधा रमेश :

<sub>२</sub> श्री बहरुद्दीन :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) निपुण में भूमि के सर्वेक्षण और बन्धोवस्तु का काम किस हर तक पूरा हो क्या है; और

(ख) काम की प्रगति भीरे होने के यदि कोई कारण हों, तो वे क्या हैं।

गृह-कार्य मंत्री (वंडित गो० ब० पम्त) :

(क) सदर सब डिवीजन के २४६.५७ वर्ग मील क्षेत्र में फैले गांवों की सीमा निर्धारण का कार्य पूरा हो चुका है जिसमें ६६ सीमा निर्धारित किये हुए गांव हैं (इसमें २१६ भूतपूर्व गांव तथा बस्तियां आती हैं) भारतीय सर्वेक्षण विभाग द्वारा दिये गये ६८३ कंटोल प्लाइट के आधार पर ८६ वर्ग मील में फैले २२ गांवों के सर्वेक्षण का कार्य पूरा हो गया है। ३२ वर्ग मील क्षेत्र में केवल १० गांवों का भूमि-कर सर्वेक्षण और लगभग २१ वर्गमील में सानापूरी का काम भी पूरा हो चुका है।

(ख) प्रशिलित अवक्षितयों का न मिलना ही इस काम में मुख्य बाधा है। इसके लिये पर्याप्त प्रविकारियों की स्वीकृति दे दी गई है और एक डिप्टी डायरेक्टर ने तो कार्यभार संभाल भी लिया है। स्थानीय अवक्षितयों को सर्वेक्षण के काम में प्रशिलित दिया जा रहा है जिससे काम जल्दी पूरा हो।

हिन्दी की परीक्षाएं

१३०८. श्री राधा रमेश : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिन्दी प्रबोध और हिन्दी प्रबोध की अक्षरालेख, १६५७ में होने वाली परीक्षाओं की अवस्था के लिये कितने अवक्षित रहे गये थे;

(ख) इन कर्मचारियों पर कितना अवक्षित किया गया;

(ग) क्या इन परीक्षाओं के काम को किसी बोर्ड को संपूर्ण देने की कोई योजना है; और

(घ) यदि हाँ, तो उस बोर्ड का नाम क्या है और उसे संपूर्ण का क्या कारण ?

पूह-कार्य मंत्री (रंदिल गो० ब० वस्त) :

(क) से (ब). केन्द्रीय सरकारी कर्मचारियों को हिन्दी पढ़ाने की योजना के अन्तर्गत निर्धारित हिन्दी परीक्षायें लेने का काम मई १८५७ से सेन्ट्रल बोर्ड आफ हायर लीक्सिन्ग्स्ट्री एज्यूकेशन, अब्बेर को दीय दिया गया है। अब्बेर, १८५७ में बोर्ड ने पहली बार १७ केन्ड्रों पर प्रबोध, प्रवीन और प्राप्त की हिन्दी परीक्षायें भी। चूंकि परीक्षायें लेने का प्रबन्ध बोर्ड करता है इसलिये यह विवरण हमारे पास उपलब्ध नहीं है कि कितने प्रशासनिक, निरीक्षक तथा स्कूल कर्मचारी रखे गये और कितना खर्च हुआ किन्तु ३४ केन्ड्रों पर परीक्षा लेने में लगभग ५०,००० रुपये का अनुमानित खर्च हुआ है जो सरकार द्वारा बोर्ड को दे दिया जायेगा।

पंचांग सुवार समिति की रिपोर्ट

१३०६. श्री राजा रमेश : क्या पूह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) पंचांग सुवार समिति की रिपोर्ट अब तक कितनी भावाघारों में प्रकाशित हो चुकी है; और

(ब) कितनी भावाघारों में अभी यह प्रकाशित होनी जाए है?

पूह-कार्य मंत्री (रंदिल गो० ब० वस्त) :

(क) तथा (ब). रिपोर्ट अभी तक अंग्रेजी में प्रकाशित हुई है। इसे भारत की सब मुख्य भावाघारों तथा संस्कृत में प्रकाशित करने के प्रयत्न किये जा रहे हैं।

चीनी चिट्ठी से बड़ों के लिये चिट्ठी

१३१०. श्री राजाराम विष्णु : क्या हास्ताक्ष, जाल और ईच्छन मंत्री यह बताने की कृपा करेंगे कि :

(क) चीनी चिट्ठी के बड़ों के लिये चिट्ठी का निश्चय करने की दृष्टि से और लक्षण किया गया था, उसके परिकाल-

स्वकार प्रत्येक राज्य में कितने प्रकार की चिट्ठी का पता चला है; और

(ब) सर्वेक्षण के परिणामस्वरूप आप्त नई प्रकार की चिट्ठियों का उपयोग करने के लिये क्या उपाय किये जाये हैं?

जाल और तेल मंत्री (श्री गो० ब० व० चालबीय) : (क) पीर (ब). चीनी के बर्तन बनाने के लिये केवल चिट्ठी की उपयुक्तता निर्दिष्ट करने को राज्यों में कोई विशेष सर्वेक्षण नहीं किया गया। किंतु जी भारतीय भूगर्भीय सर्वेक्षण विभाग ने कुछ राज्यों में चिट्ठी के बनकों भूमंडल लोज सिये हैं। जोड़े गये भूमंडलों की किसी और स्थान का डीरा सभा पत्ते पर रखे गये विवरण में दिया गया है। [विविध परिचय ३, अनुबन्ध संख्या १०१]

१३११ की जनगणना

१३११. श्री चांदक : क्या पूह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) १३११ की जनगणना के सम्बन्ध में अब तक क्या सामग्री प्रकाशित की गयी है;

(ब) जिला जनगणना पुस्तिका के प्रकाशन के सम्बन्ध में इस बीच क्या प्रगति हुई है; और

(ग) भविष्य में उनके प्रकाशन में होने वाले विलम्ब को दोकने के लिये क्या कार्यवाही की गयी है?

पूह-कार्य मंत्री (रंदिल गो० ब० वस्त) :

(क) पेपर नम्बर ६—“जन्म स्थान के अनुसार आधिक वर्गीकरण और लिङ्ग स्तर—कलकत्ता” के ग्रामावा १३११ की जनगणना की सब पुस्तिकायें प्रकाशित हो चुकी हैं। यह पेपर जल रहा है और उसके लीभ ही प्रकाशित हो जाने की आज्ञा है। १३११ की जनगणना की पुस्तिकाघारों की सूची श्री एक प्रति, विवेद हर एक पुस्तिका का मूल दिया हुआ है, सबके पुस्तिकालय में पहले से ही लीकूद है।

(क) सब राज्यों के समस्त जिलों की जिला अमलणना पुस्तिकार्य प्रकाशित हो चुकी है। उक्तीसा की जिला अमलणना पुस्तिकार्यों की केवल साइक्लोस्टाइल प्रतियों ही उपलब्ध हैं जबकि वह राज्य सरकार इनको बनाने के लिये सहमत नहीं थी।

(ग) प्रस्तुत ही नहीं उठता।

दिल्ली पुलिस फ्लाइंग स्कैड

१३१२. श्री चांदक : क्या गृह-कार्य मंत्री यह बनाने की कृपा करेंगे कि :

(क) जमता की सेवा करने के लिये दिल्ली में पुलिस का जो फ्लाइंग स्कैड बनाया गया है उसने अब तक क्या कार्य किया है;

(क्ल) इस स्कैड में कितने सिपाही कार्य करते हैं; और

(ग) किन-किन केन्द्र-प्रशासित क्षेत्रों में ऐसे स्कैड बनाये गये हैं?

गृह-कार्य मंत्री (वंचित गो० ब० प०) :

(क) दिल्ली फ्लाइंग स्कैड १२ फरवरी १९५७ को बना; तब से यह ३१४७ बार अनला के बुलाने पर रहा। सूचना मिलते ही वह बटना-स्थल पर पहुंच जाता है।

(क्ल) ६०।

(ग) ऐसे स्कैड और किसी केन्द्र-प्रशासित क्षेत्र में नहीं हैं।

अखिल भारतीय सेवा के अधिकारियों का इतिहास

१३१३. श्री चांदक : क्या गृह-कार्य मंत्री यह बनाने की कृपा करेंगे कि :

(क) अखिल भारतीय सेवाओं के अधिकारियों की सेवाओं के इतिहास का जो सब संस्करण दैवार किया जा रहा है, उसमें अब तक क्या प्रगति हुई है; और

(क्ल) इस इतिहास प्रकाशन का स्था उद्देश्य है?

गृह-कार्य मंत्री (वंचित गो० ब० प०) :

(क) वह जप यहा है।

(क) इस में अधिकारियों के शैक्षणिक जीवन तथा उनकी सेवा का विस्तृत विवरण होगा जिसकी सरकार को, उनकी विभिन्न पदों पर नियुक्ति करने के लिये, समय समय पर आवश्यकता पड़ती रहती है। यह अकाउन्टेंट जनरल के लिये भी उपयोगी होगा। इस प्रकाशन को एक विस्तृत निर्देश पुस्तक के रूप में बनाने का विचार है जो समय और अधिकारियों को आवश्यकता पड़ने पर ऐसी सूचना को एकत्र करने में लगता है।

#### Paper Requirements of Government Security Press

1314. Shri Jadhav: Will the Minister of Finance be pleased to state:

(a) the quantity of paper annually required for printing currency notes, stamps and other necessities in the Government Security Press;

(b) the price per pound of each type of currency paper;

(c) what quantities of currency papers are burnt away daily as wastage;

(d) the wastage per day prior to the year 1951; and

(e) whether Government have considered the proposal to have a small pulp plant installed in the Press instead of burning away the wastage?

The Minister of Finance (Shri T. T. Krishnamachari): (a) About 1,450 tons for currency notes and 5,000 tons for stamps and other products.

(b) The present cost of currency note paper is Rs. 4.59 per lb.

(c) Roughly between 3 and 4% of the total quantity consumed is burnt away as wastage.

(d) About the same proportion of the total quantity of paper consumed as now.

(e) The entire quantity of wastage is not burnt away. Trimmings to the value of over Rs. 2 lakhs are sold annually. The question of installing a pulp plant was examined sometime ago but it was dropped as uneconomical. Experiments are, however, being conducted to see whether a few confetti machines would not serve the purpose.

**Extension of Services in Government Security Press**

**1315. Shri Jadhav:** Will the Minister of Finance be pleased to state:

(a) the number of cases of re-appointment or extension of services in case of those employees who retired or were due to retire in the years 1954, 1955, 1956 and 1957 up-to-date in the Government Security Press including Currency Notes Press and Central Stamp Stores;

(b) the basis for such extensions or reappointments;

(c) whether Union Public Service Commission was consulted before giving such extension; and

(d) if so, what were the exigencies of public service which compelled Government to grant such extensions?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) There were no such cases during 1954, 1955 and 1956, but there has been one case of extension of service during 1957.

(b) The extension was given in the interest of public service.

(c) Consultation with the Commission was not necessary in this case under the rules.

(d) The need for the extension arose in connection with certain important projects like the issue of stamps on the decimal coinage system and an extension of the Currency Note Press.

**Government Security Press Search Peons**

**1316. Shri Jadhav:** Will the Minister of Finance be pleased to state:

(a) the number of search peons in the Government Security Press, Nasik; and

(b) whether it is a fact that the staff falls short of the needs of the Press?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) 110.

(b) No, Sir, the number is considered adequate.

**Transfer of Security Money Deposits from Pakistan**

**1317. { Shri Hem Raj:**  
**Shri Padam Dev:**

Will the Minister of Finance be pleased to state:

(a) the progress made so far in the transfer of the Security money deposits made by various categories of Indian contractors in the pre-partitioned Punjab from the Pakistan Government;

(b) the total amount of money which requires adjustment with the Pakistan Government; and

(c) the time by which the money will become available to the concerned persons?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Under the arrangements agreed upon between the two Punjabs at the time of partition, the liability for refund of deposits, including deposits of contractors, has been allocated on the basis of the location of the deposits, and the claimants in India were required to apply direct to the authorities in West Pakistan for the refund of their deposits made there. As this arrangement did not work satisfactorily, the matter was considered further at the Punjab Implementation Committee meeting held in Chandigarh in October, 1967 and it was agreed at the instance of Punjab

(I) Government to set up a special sub-committee consisting of the representatives of the two Governments to examine this question and to submit their report to the Implementation Committee at the next meeting. Necessary action in this behalf is being taken by the Punjab Government in consultation with the West Pakistan Government.

(b) The Punjab Government do not have any information about the number of claims and the amount involved, as the claims had been submitted direct to the authorities in West Pakistan.

(c) In view of the position stated under (a) above it is not possible to indicate any time-limit by which these claims are expected to be settled.

#### Welfare Extension Projects in Marathwada

1318. Shri Pangarkar: Will the Minister of Education and Scientific Research be pleased to state the number of Welfare Extension Projects allocated to the Marathwada region of Bombay by the Central Social Welfare Board for the years 1956-57 and 1957-58 so far?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Sharmal):

1956-57. .... Nil.

1957-58. .... One.

#### Library Movement in Marathwada

1319. Shri Pangarkar: Will the Minister of Education and Scientific Research be pleased to state:

(a) the amount of grant given to the Marathwada region of Bombay for encouraging library movement in the State during 1956-57; and

(b) the number of libraries opened there with the above assistance during 1956-57?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Sharmal): (a) Nil.

(b) Does not arise.

#### Bombay High Court

1320. Shri Pangarkar: Will the Minister of Home Affairs be pleased to state:

(a) the number of judges who have been working in the High Court of Bombay since November, 1956; and

(b) the number of cases pending in the High court at present?

The Minister of Home Affairs (Pandit G. B. Pant): (a) 17 Judges worked on the Bench of the Bombay High Court from 1st November 1956 to 5th January 1957; 20 Judges worked on 6th January 1957, 19 Judges worked from 7th January 1957 to 16th January 1957; 18 Judges from 17th January to 28th February, 1957; 19 Judges from 1st March to 22nd March, 1957; 20 from 23rd March to 16th August, 1957; 19 from 17th August to 15th September, 1957 and 20 Judges have been working since that date.

(b) 16,192 cases were pending in the High Court on 12th November 1957.

#### Mercy Petitions

1321. Shri S. M. Banerjee: Will the Minister of Home Affairs be pleased to state:

(a) the number of mercy petitions pending at present in connection with the commutation of death sentences;

(b) the number of petitions disposed of during 1956 and 1957 (upto 1st November, 1957); and

(c) the number of death sentences commuted during the above period?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Twenty-four.

(b) 192 petitions were disposed of during the year 1956 and 172 during the period from 1st January to 1st November, 1957.

(c) Death sentence was commuted to imprisonment for life in the case of 68 prisoners during the year 1956 and

in the case of 69 prisoners during the period from 1st January to 1st November, 1957.

#### Apprentices in Ordnance Factories

1323. Shri S. M. Banerjee: Will the Minister of Defence be pleased to state:

(a) the total number of apprentices employed in various Ordnance Factories at present; and

(b) the number of apprentices provided with jobs after completion of their apprenticeships during the period from the 15th August, 1947 to the 15th August, 1957?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) 189.

(b) 267.

#### Release of Prisoners

1323. Shri S. M. Banerjee: Will the Minister of Home Affairs be pleased to state the number of persons released from various jails in the Union Territories on the eve of Independence Day, Republican Day and Gandhi Jayanti during the period from the 15th August, 1948 to the 15th August, 1957?

The Minister of Home Affairs (Pandit G. B. Pant): The information is being collected and will be laid on the Table of the Lok Sabha.

#### P.T.O. Concessions

1324. Shri S. M. Banerjee: Will the Minister of Home Affairs be pleased to state:

(a) the total number of Class III and IV employees under the Central Government; and

(b) the number of employees among them who availed of P.T.O. concessions upto the 1st November, 1957?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). The information is being collected and will be placed on the Table of the House.

राजस्वान में अनुसूचित जातियों का कल्याण

११२५. श्री पौ. सौ. राघुरामाई : वहाँ गृह-कार्य मंत्री यह बताने की हुपा करेंगे कि केन्द्रीय सरकार ने अनुसूचित जातियों के कल्याण के लिये राजस्वान सरकार को यद्य तक कितनी राशि दी है ?

गृह-कार्य मंत्री (विविध गो. वा. वर्त) : अनुसूचित जातियों के कल्याण के लिये राजस्वान सरकार को (जिसमें अमेरेत लोग भी शामिल हैं) अभी तक २१.०६ लाख रुपये दिये गये हैं।

#### Naval Training

1326. Shri D. C. Sharma: Will the Minister of Defence be pleased to state:

(a) the number of Indians sent abroad for Naval Training during 1957-58 (upto the 30th November, 1957); and

(b) the names of the countries to which they have been sent?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) Thirty-five

Officers	..	7
Ratings	..	25
Civilians	..	3

Total : 35

(b) U.K

#### Multi-purpose Schools in Himachal Pradesh

1327. Shri D. C. Sharma: Will the Minister of Education and Scientific Research be pleased to state:

(a) the number of multi-purpose schools started in Himachal Pradesh during the period of the Second Five Year Plan so far; and

(b) the amount of Central aid asked for and given during 1956-57 and 1957-58 (upto the 30th November, 1957) for this purpose?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimati): (a) and (b). Nil.



- (b) the annual establishment expenditure incurred for the said Council;
- (c) total number of employees working in the Council; and
- (d) the method of their recruitment?

**The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall):** (a) to (d). A statement is laid on the table of the Lok Sabha. [See Appendix III, annexure 103]

#### Survey Work and Production of Maps

1333. { **Shri S. C. Samanta:**  
          **Shri Subodh Hasda:**

Will the Minister of Education and Scientific Research be pleased to lay a statement showing:

(a) whether the Survey of India has taken up survey work and production of maps assigned to them by authorities other than the Government of India;

(b) if so, the names of such authorities;

(c) details of work assigned by such authorities; and

(d) the terms and conditions under which such work is done?

**The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall):** (a) Yes, Sir.

(b) and (c). A statement giving the available information is laid on the table of the Lok Sabha. [See Appendix III, annexure No. 104].

(d) The indentor pays full cost of the job plus the departmental overhead charges except that for litho printing work undertaken for the State Governments, the departmental overhead charges and 5 per cent profit are not recovered. From non-Government indentors full cost of survey and printing is recovered in advance.

#### Delhi University

1334. { **Shri Barman:**  
          **Shri S. C. Samanta:**

Will the Minister of Education and Scientific Research be pleased to state:

(a) whether it is a fact that the Delhi University have refused to take on their Finance Committee one representative of the University Grants Commission;

(b) if so, whether any reasons have been given by the University for their refusal; and

(c) the amount of grant given to the University by the University Grants Commission during 1956-57 and 1957-58 so far?

**The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall):** (a) No, Sir. The Executive Council of the University of Delhi has recently approved of the proposal for increasing the number of Visitor's nominees to three in order to provide for a representative of the University Grants Commission on its Finance Committee

(b) Does not arise.

(c) 1956-57	Rs 44,51,543.62
1957-58	Rs 29,95,086.19

उत्तर प्रदेश का भूतरीय सर्वेक्षण

१३३५. श्री प्रबन्ध वर्तमान का यथा इस्यात, सामान और इंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५६-५७ में भूतरीय सालिक्यों ने उत्तर प्रदेश के पांच पर्वतीय जिलों यथा अल्मोड़ा, नैनीताल, गढ़वाल, देहरादून और टिहरी गढ़वाल के किन किन स्थानों का सर्वेक्षण किया है;

(ख) उन स्थानों के अनियंत्रित निवासियों के बारे में उनके हारा की गयी रिपोर्ट का पार क्या है;

(१) इन जनिज लिंगेयों की जूदाई के सम्बन्ध में इस बीच क्या प्रयत्न हुई है;

(२) वर्ष १९५७-५८ के लिये कौन-सा कार्यक्रम तैयार किया गया है?

वाल और तेज मंडी (भौं के० हे० नालचीय) : (क) तथा (ख) --

जिला अधिकारी

(१) चन्द्रुतिया :— भारतीय भूगर्भीय सर्वेक्षण विभाग ने चन्द्रुतिया के पास ४० मील समीक्षा भौं २ ½, मील जौही डोलो-मिटिक (Dolomitic) चूना पत्थर की एक बैल्ट खोज ली है। इस बैल्ट के कुछ हिस्सों में अधिक लिंगिया (कैल्सियम कार्बोनेट) (Calcium Carbonate) है। इस पर १९५७-५८ के लेत्र में कार्य करने के समय में अधिक विस्तृत कार्य किया जाने का प्रस्ताव है।

(२) देवालधर — देवालधर वं नावा भूभंडार खोजें गये लेकिन ये भूभंडार किस्म और तादाद में अच्छे नहीं पाये गये।

(३) पगना — पगना के पाईराइट (Pyrite) भूभंडारों की जाव की गई लेकिन उस जगह कोई नाली नहीं देखी गई। इस लेत्र में भूभंडार की मोजूदगी सावित करने वे लिये आये कार्य करना पड़ेगा।

(४) शीशखानी — शीशखानी के सीसा भूभंडारों की जाव की गई और इन भूभंडारों की ठीक कीमत आकर्ते के लिये आये खोज आवश्यक होती।

जिला अधिकारी

(१) सुलोल — गंधक भूभंडारों की खोज की गई। कोई भी भूभंडार आर्थिक रूप से लाभप्रद नहीं पाया गया।

(२) लक्सार :— लक्सार के समीप सुर्दी की तरह लिंगिया मिट्टी (Gypsum) के भूभंडार देखे गये। यह भूभंडार आर्थिक रूप से लाभप्रद नहीं है।

(३) शीक और चाट — शीक और चाट समीप हैमाटाइट (hematite) और लेंस (Lenses) समीप वरन्तु इनका देखा गया।

(४) चालदाम — भारतीय भूगर्भीय सर्वेक्षण विभाग के जीवृतिकी शास्त्रज्ञों ने कच्चे ताबे के लिये चालदाम के समीप एक पुराने जलि मुख (adit) की जाव की लेकिन कच्चे ताबे के कोई चिह्न नहीं पाये जा सके। भूभंडारों पर अच्छी प्रकार कार्य कर लिया गया है।

मंत्रीसाल विस्तरी गढ़वाल और बेहराबूल

भारतीय भूगर्भीय सर्वेक्षण विभाग के १९५६-५७ के क्षेत्रीय-कार्यक्रम में जो इन जिलों में की जाने वाली कुछ सोजे सम्मिलित की गई थीं वे अन्य स्थानों पर अधिक आवश्यक सोजे के कारण पूरी नहीं की जा सकी।

(ग) सचित मात्रा को सावित करने वे लिये जो सोजे की जा रही हैं उनके समाप्त हो जाने के बाद जीशखानी भूभंडारों के स्थान के लिये आगे बढ़ने का कार्यक्रम बनाया जायेगा।

(घ) १९५७-५८ के क्षेत्र में कार्य करने वे समय में जो सोजे करने का प्रस्ताव है उनका विवरण सभा के पट्टम पर रख दिया गया है। [विस्तरी दरिखास्त ३, अनुबन्ध संख्या १०५]।

#### Joint Stock Companies

1336. { *Shri Morarka:*  
                  *Shri Nathwani:*

Will the Minister of Finance be pleased to state:

(a) the number of joint stock companies whose affairs were investigated under sections 235 and 237 of the Companies Act, 1956 till now;

(b) whether the reports have been submitted in respect of the above investigations; and

(c) the action taken by Government on these reports?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) 11 cases, 9 under section 235, 2 under 237.

(b) Inspectors' reports have been received in 8 cases.

(c) In 2 cases instructions have been issued to launch prosecution proceedings, and in 2 more cases similar instructions are under issue. In one case no action was found necessary and in another the irregularities revealed have been brought to the notice of the company for rectification. In the remaining 2 cases the reports are under examination.

#### Joint Stock Companies

1337. *Shri Morarka:  
Shri Nathwani:*

Will the Minister of Finance be pleased to state:

(a) the total number of cases of alleged oppression and mismanagement filed with the Court under Sections 397 and 398 of the Companies Act;

(b) in how many cases Government have sent their representations to the Court; and

(c) the result of these cases?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Thityseven.

(b) Eleven.

(c) In two cases, out of the eleven, interim orders have been passed by the Courts providing for the conduct of the Companies' affairs; in seven cases the judgements of the Courts are awaited; in the remaining two cases the parties concerned have compromised and withdrawn the applications.

#### भ्रूमूलित वासियों का वस्ताव

1338. श्री पा० सा० आक०। वा० : क्या भूह-कार्बं मंत्री यह बताने की हुआ करेंगे कि

ये यह सच है कि राजस्थान के आदिवासी क्षेत्रों में बसने वाले भ्रूमूलित जातियों के लोगों को केन्द्रीय एवं राज्य सरकारों द्वारा दी जाने वाली सुविधायें, जैसे शैक्षणिक नीकरियों में सुरक्षित स्थान, नलकूपों का उपबन्ध, मकान व हावि सम्बन्धी सुविधायें आदि, नहीं मिल रही हैं?

**पृष्ठकार्बं मंत्री (चंदिल गो० ब० परमा०) :** जी नहीं, यह सच नहीं है। सारे राजस्थान में बसने वाली भ्रूमूलित जातियों को एक सी ही सुविधायें मिलती हैं जारी वे आदिवासी क्षेत्रों में रहती हैं या उससे बाहर।

#### बीकानेर के भूतपूर्व सैनिक

1339. श्री पा० सा० आक०। वा० : क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भूतपूर्व बीकानेर राज्य के भूतपूर्व सैनिकों को जिला गंगानगर के नहरी क्षेत्र की भूमि में बसाया गया;

(ख) यदि हा०, तो ऐसे कितने भूतपूर्व सैनिक हैं, और प्रत्येक को कितनी जमीन दी गयी है; और

(ग) इन सैनिकों में कितने मोर्ची, मंगी, नाई, घोबो, आदि भ्रूमूलित जाति के लोग हैं?

**प्रतिरक्षा उत्तमंत्री (सरदार महीठिया) :**

(क) जी हाँ।

(ख) ११७ भूतपूर्व सैनिकों को इस प्रकार में भूमि दांटी गई है :—

भूतपूर्व सैनिकों की संख्या एकल० भूमि संख्या

८१	प्रत्येक को १० एकड़।
६	प्रत्येक को १७ शीर
२१ एकड़ के वरियान।	
२७	प्रत्येक को ५ शीर ८ एकड़ के वरियान।

(ग) सूचना सहज-प्राप्य नहीं है।

अंतर्राष्ट्रीय औद्योगिक विकास सम्मेलन  
सामरकासिस्ट्सको

१३४०. श्री श्रीनारायण दास : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत ने सानफासिस्ट्सको में हाल में हुये अंतर्राष्ट्रीय औद्योगिक विकास सम्मेलन में भाग लिया था;

(ख) यदि हां, तो किस प्रकार;

(ग) सम्मेलन में भाग लेने वाले सरकारी और गैर-सरकारी प्रतिनिधियों का चूनाव किस तरह से हुआ था;

(घ) क्या भारतीय प्रतिनिधियों ने सम्मेलन से लौटने के बाद सरकार को कोई प्रतिवेदन प्रस्तुत किया है; और

(ङ) यदि हां, तो उस के मुख्य पहलू क्या हैं ?

वित्त मंत्री (श्री शिंह त० त० कृष्णलालार्ही) : (क) से (ग) भारत सरकार के किसी भी प्रतिनिधि ने सम्मेलन में भाग नहीं लिया। हां, भारत के रियर बैक के गवनर के पास सीधे निमंत्रण आया था, जिसे उन्होंने भारत सरकार से परामर्श करके स्वीकार कर लिया। सरकार को मालूम है कि सम्मेलन के संयोजकों ने भारत के कुछ प्रमुख व्यापारियों के पास भी सीधे निमंत्रण भेजे थे, जिनमें से कुछ ने सम्मेलन में भाग लिया।

(घ) और (ङ) सम्मेलन में भाग लेने वाला कोई भी व्यक्ति इस बात के लिये वाप्त नहीं है कि वह सम्मेलन के सम्बन्ध में सरकार को रिपोर्ट दे। लेकिन वित्त मंत्री को सम्मेलन में भाग लेने वाले भारतीयों में से कुछ के भावर्चों की प्रतियां प्राप्त हुई हैं।

### Anti Influenza Vaccine

1341. { Shri Shree Narayan Das:  
Shri Radha Raman:

Will the Minister of Defence be pleased to state:

(a) whether the military medical authorities are manufacturing any standardized Vaccine for protection against influenza at the Armed Forces Medical College, Poona;

(b) whether its efficacy and effectiveness in checking the disease have been examined and tested;

(c) if so, with what result; and

(d) whether any quantity of this vaccine has been released for civilian use?

The Deputy Minister of Defence (Sardar Majithia): (a) The Armed Forces Medical College, Poona, has been producing, since June 1957, an anti-influenza vaccine against the virus strain responsible for the recent epidemic of influenza in India.

(b) Yes, Sir.

(c) The tests were successful.

(d) No.

### Scholarships

1342. Shri Hem Raj: Will the Minister of Education and Scientific Research be pleased to state:

(a) the number of applications received so far during 1957-58 for scholarships from the Scheduled Castes, Scheduled Tribes and Backward Classes Students State-wise;

(b) the number of applications accepted, State-wise; and

(c) the amounts of scholarships sanctioned against these applications for 1957-58?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimall): (a)

and (b). A statement giving the information separately for Scheduled Cates, Scheduled Tribes and Other Backward classes is laid on the table of the Lok Sabha. [See Appendix III, annexure No. 106].

	Rs.
(c) Amounts of scholarships already sanctioned	1,10,82,000
Amount of scholarship yet to be sanctioned	89,18,000
Total	<u>2,00,00,000</u>

#### Life Insurance Corporation

1343. Shri Jadhav: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the unit 'Oriental' gave some special promotions to its officers after the 19th January 1956 and before the 1st September, 1957;

(b) if so, whether Government will place on the Table a Statement giving the names of such officers, the nature of special promotion, their qualifications and period of services, etc;

(c) whether previous sanction was obtained from Government before granting such special promotions; and

(d) whether it is a fact, that requests for sanctioning special increments to the Principal Officers, were received from the custodian of some other units and these requests were refused?

The Minister of Finance (Shri T. T. Krishnamachari): (a) No.

(b) and (c). Do not arise.

(d) No requests for sanctioning special increments to the Principal Officers of any Unit were received from any of the Custodians.

#### Manipur Administration

1344. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state:

(a) the number of advertisements given and amounts of advertising charges for notifications and press notes issued by the Manipur Administration, paid during the years 1955-56, 1956-57 and April 1957 to October, 1957 to the five local Manipur dailies; and

(b) the number of advertisements given to each daily newspaper during these periods?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). The figures are given in the statement laid on the Table of the Lok Sabha. [See Appendix III, annexure No. 107].

#### Total No. of advertisements

##### Name of Paper

The Prajatantra	722
The Ngasi	125
The Anouba Samaj	113
The Matam	Nil
The Simanta Patrika	1

#### Primary School Chowkidar

1345. Shri L. Achaw Singh: Will the Minister of Education and Scientific Research be pleased to state:

(a) whether it is a fact that the pay of a Government primary school Chowkidar in Manipur is Rs. 3/- p.m.;

(b) if so, whether Government are aware that the pay is quite inadequate and not comparable with the responsibility of his job; and

(c) whether Government propose to remove the discrepancy?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) to (c). A statement is laid on the Table of the Lok Sabha [See appendix III, annexure 108].

#### Nepalis in Manipur

1346. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state:

(a) the total population of Nepalis in Manipur;

(b) whether it is a fact that they suffer from social and economic backwardness; and

(c) whether Government propose to include the Nepalis in the list of Backward Classes in Manipur?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) 2860 (according to 1951 Census).

(b) No.

(c) Does not arise

#### **Poisoning of Drinking Water**

1347. { **Shri B. S. Murthy:**  
**Shri Raghunath Singh:**  
**Shri Mohan Swarup:**

Will the Minister of Defence be pleased to state:

(a) whether two Pakistanis tried to poison the drinking water of the Indian Army stationed in Kashmir;

(b) if so, the details thereof; and

(c) the steps taken to prevent such subversive activities of the agents of Pakistan?

**The Deputy Minister of Defence (Sardar Majithia):** (a) and (b). The matter is under investigation.

(c) It is not desirable in the public interest to disclose this information on the floor of the House.

#### **U.S. Capital Investments in India**

1348. **Shri Kodiyan:** Will the Minister of Finance be pleased to state the amount of private capital invested in India from the United States during 1951 to 1956 separately for each year?

**The Minister of Finance (Shri T. T. Krishnamachari):** The data is being

collected and will be laid on the Table shortly.

#### **Purchasing Missions Abroad**

1349. **Shri Jhulan Singh:** Will the Minister of Finance be pleased to state:

(a) the number of missions sent abroad so far for the purpose of purchases of stores and equipment for use during the Second Five Year Plan;

(b) the Ministry sponsoring them; and

(c) the extent and nature of purchases made?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) to (c). The information is being collected and will be laid on the Table of the House as early as possible.

#### **Car Nicobar Trading Company**

1350. { **Dr. Ram Subhag Singh:**  
**Shri A. S. Saigal:**  
**Shri Raghunath Singh:**

Will the Minister of Home Affairs be pleased to state:

(a) the number of partners of Car Nicobar Trading Co., Nicobar Islands, who get monthly salary or allowance and the scales of such salary etc.;

(b) what is the net profit shown by the firm for its first year of business;

(c) what was the quantity of copra and betelnuts purchased and sold by the firm during the first year; and

(d) how much it works out to per lb. of copra and betelnuts handled by the firm?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) to (d). The information is being collected and will be laid on the table of the House as soon as available.

## Rehabilitation Loan to Andamans

1251. Dr. Ram Subhag Singh:  
Shri A. S. Saigal:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government had sanctioned a rehabilitation loan for the benefit of persons in the Andaman Islands who had suffered during Japanese occupation of the Islands in the last War;

(b) if so, the total amount of the loan and the date of its sanction;

(c) the number of applications received for the grant of this loan and the number of applications sanctioned; and

(d) the total amount of loans sanctioned to the applicants and the amount actually distributed so far and the number of applicants who got it?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Yes, Sir.

(b) A sum of Rs. 5 lakhs was sanctioned on the 12th October, 1955, two-thirds of which was to be given in the shape of interest free loan and one third as ex-gratia grant.

(c) and (d). The required information is being collected and will be laid on the Table of the House as soon as received.

## Transport Department of Andaman Islands

1252. { Shri A. S. Saigal:  
Dr. Ram Subhag Singh:

Will the Minister of Home Affairs be pleased to state:

(a) the number of trucks and light transport vehicles including 15 Cwts. jeeps, cars etc., separately, in the Transport Department in the Andaman Islands;

(b) the names of officers and the number of cars, jeeps, 15 Cwts. given to each of them separately;

(c) whether these officers maintain a daily log of the distances covered and the purpose of journey;

(d) the amount of total annual expenditure of the Department;

(e) the cost of petrol included in above; and

(f) the total mileage done by officers' car, jeeps etc. within and without the municipal limits of Port Blair, separately?

The Minister of Home Affairs (Pandit G. B. Pant): (a)

Trucks 33

Light Transport Vehicles 34  
Buses 5

(b) A statement is placed on the table of the Lok Sabha. [See Appendix III, annexure No. 109].

(c) Yes;

(d) Rupees Four lakhs eighty thousand;

(e) Average annual expenditure on petrol is Rupees One lakhs fiftythree thousand;

(f) The information is being collected and will be laid on the Table of the house as soon as received.

## Anti-Corruption Committee

1253. { Shri S. M. Banerjee:  
Shri Tangamani:

Will the Minister of Defence be pleased to state:

(a) whether there is a proposal to appoint an anti-corruption Committee to go into the cases of corruption in the defence installations; and

(b) if so, what will be the composition of this Committee?

The Deputy Minister of Defence (Shri Raghuramiah): (a) No.

(b) Does not arise.

**Civilian Employees of Kanpur Air Force Station**

**1354. Shri S. M. Banerjee:** Will the Minister of Defence be pleased to state:

(a) whether the civilian employees of the Air Force Station at Kanpur are asked to attend Military Parades; and

(b) if so, under what regulation?

**The Deputy Minister of Defence (Shri Raghuramaiah):** (a) No. However, some civilian employees who have volunteered to partake in the Parades are being permitted to do so.

(b) Does not arise.

**केन्द्रीय उत्पादन शुल्क विभाग**

**१३५५. श्री नौहर त्वारकः** क्या विल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय उत्पादन शुल्क विभाग के अधिकारियों को यह अधिकार है कि वे बिना कुछ दिये फैक्टरियों की मोटरगाड़ियां काम में लायें और सरकार से यात्रा भत्ता और दैनिक भत्ता से; और

(ख) यदि नहीं, तो ऐसे बाहनों का बुद्धयोग करने के लिये और गलत तरीके से यात्रा भत्ता। दैनिक भत्ता लेने के लिये १९५७ में अब तक कितने अधिकारियों के विरुद्ध कार्रवाही की गई?

**विल मंत्री (श्री सिंह सूर्योदासारी) :** (क) सामान्य नियम के अनुसार, केन्द्रीय उत्पादन शुल्क विभाग के अधिकारियों को फैक्टरियों की मोटरगाड़ियों काम में लाने की यात्रा भत्ता है। असाधारण परिस्थितियों में जब कभी इन अधिकारियों को ऐसी मोटरगाड़ियां मांगने के लिये बाध्य होता पड़ता है तो भीस भत्ता मांगने से पहले उन्हें मोटर की ताबारी का सर्व ग्राद करना पड़ता है। यदि ताबारी सर्व ग्राद नहीं

किया गया हो तो भीस भत्ते की मांग नहीं की जा सकती; लेकिन भील भत्ते के बदले नियमानुसार, दैनिक भत्ता दिया जा सकता है।

(ख) सरकार के सामने अभी तक ऐसा कोई मामला नहीं प्राया।

**Security Press, Nasik**

**1356. Shri Jadhav:** Will the Minister of Finance be pleased to state:

(a) the number of embezzlements, theft, misappropriations in the period from March 1951 up-to-date with full details of amounts involved, amounts written off in the Government Security Press, Nasik including currency note press and Central Stamps Stores;

(b) the action taken against the culprits and the steps taken to avoid recurrences; and

(c) the number of thefts reported between the years 1947 to 1951 and the amount involved thereof?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). There were two cases of theft, details of which are given below:—

(i) A clerk in the Stamp Press was alleged to have stolen Rs. 15,010 from the cash box in the Accounts Section in April 1951. Of the amount stolen a sum of Rs. 8,000 was subsequently found on the roof of one of the Press buildings. The balance of Rs. 7,010 was written off. The culprit was prosecuted but he was acquitted by the Court on certain technical grounds. He was however dismissed from service as it was revealed during the investigation that he was a previous convict.

(ii) A workman of the Currency Note Press was alleged to have stolen one numbered

sheet of Rs. 10 notes in February 1955. The accused was prosecuted and initially convicted, but acquitted in appeal by the Sessions Court. He was, however, discharged from service. The amount of the loss involved in this case was Rs. 40 and it was written off.

Besides the above, there have been 10 cases of thefts or attempts at theft by the Press employees of Government property such as waste wood, gunny pieces, copper wire, tin-ingots, etc. The amount of loss involved in these cases was negligible and the question of any write-off did not arise. The employees concerned were dismissed from service after departmental inquiries.

After each one of these thefts, the security arrangements at the Press were reviewed and tightened as far as possible with a view to avoiding any recurrence.

The above does not include allegations of theft still under investigation.

(c) During the period 1947 to March 1951 there were in all 8 cases of theft. One of these cases involved loss of blank paper, which, if made into notes, would have been worth Rs. 4 lakhs. The other 7 cases involved negligible losses or no losses to Government.

#### Fire in the Security Press, Nasik

**1357** **Shri Jadhav:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that there was recently a fire in one of the stores of the Security Press, Currency Note Press and Central Stamp Stores in Nasik;

(b) if so, the extent of damage to the stores and stocks; and

(c) which of the records were burnt away?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Not recently,

but in May, 1954 there was a fire in the raw materials Stores of the Stamp Press.

(b) The damage was assessed at Rs. 62,553-9-6.

(c) The records burnt away in the fire were Unpriced Stores Ledgers, Imprest Vouchers and Gate Passes.

#### Security Press, Nasik

**1358. Shri Jadhav:** Will the Minister of Finance be pleased to state:

(a) whether there is any methodical system for inspection of the works of the Security Press including Currency Notes Press and Central Stamp Stores; and

(b) if so, how often an inspection has been carried out to investigate into the working of the Department?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) The working of these organisations is inspected periodically by O. & M. Officers.

(b) The inspections are carried out ordinarily once in a year.

#### Tiles-making Factory in Tripura

**1359. Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government have any scheme to establish Roofing-tiles-making factory in Tripura; and

(b) if so, whether any amount would be made available for starting such work during the Second Five Year Plan?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) Yes.

(b) Yes. Sanction has been accorded to the setting up of units at a cost of Rs. 7500/- each. One unit is proposed to be set up in 1958-59.

### प्रश्नी वारिनार्दिक शब्दावली

१३६०. श्री र० भ० भास्तवीय : क्या शिक्षा और वैज्ञानिक भवनों का मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिन्दी में पारिवर्तिक शब्दों का निर्माण कार्य त्रुत गति से सम्पन्न हो सके इस दृष्टि से हिन्दीय पंचवर्षीय योजना-काल में पांच विषेश अधिकारियों और पचास अनुसंधान संगठनों की नियुक्ति की जाने वाली थी;

(ल) इस सम्बन्ध में अब तक कितनी और किस प्रकार की नियुक्तियाँ की गई हैं, और

(ग) यदि नहीं, तो इस दिशा में कब तक कदम उठाये जायेंगे ?

शिक्षा और वैज्ञानिक भवनों का मंत्री (इ० का० ला० श्रीमाती) :

(क) बतंमान अमले को बढ़ा कर, कुल पांच विजेष अधिकारी और पचास अनुसंधान संगठनों का प्रस्ताव या ।

(ल) इसी पंचवर्षीय आयोजना के आरम्भ होने से अब तक सात अनुसंधान संगठन और भरनी किये जा चुके हैं। इसमें अमने दी मंस्या इस ममय नीन विजेष अधिकारी और दूसीम अनुसंधान संगठन हो गयी हैं।

(ग) प्रश्न नहीं उठता।

### शिक्षे वर्गों के लिये भवन

१३६१. श्री र० भ० भास्तवीय : क्या पृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) भूतपूर्व अध्य भारत के आदिम-आति सामूहिक कस्ताप केन्द्रों परी अन्य शिक्षे वर्गों के कल्याण केन्द्रों के लिये प्रत्येक पंचवर्षीय योजना के अन्तर्गत भवन निर्माण के लिये कितनी राशि की अवस्था की रही थी;

(ल) आदिम-आति और पिल्ले वर्गों के लिये उक्त योजना के अन्तर्गत कुल कितने कल्याण केन्द्रों के भवनों का निर्माण किया जाने वाला या और इसी अवधि में कितने भवनों का निर्माण किया गया;

(ग) प्रथम पंचवर्षीय योजनावधि में निर्माण किये जाने वाले भवनों में से कितनों का निर्माण नहीं हो सका और इसके क्या कारण हैं।

(घ) अनिमित भवनों के लिये मंजूर की गई राशि अवगत हो चुकी है या उसे लौटा दिन गया है या उसका विनियोग कही अन्यत्र कर लिया गया है;

(इ) ये अनिमित भवन कब तक बनाकर तैयार हो जायेंगे ;

(ब) क्या अनुरूचित जातियों तथा अनुसूचित आदिम जातियों के आयुक्त (भारत सरकार) ने मध्य भारत थेट्र के दीपे के समय इन अनिमित भवनों की जानकारी प्राप्त की थी; और

(द) यदि हा, तो क्या भारत सरकार ने राज्य सरकार को पंचवर्षीय योजनावधि के अपूर्व कार्य को पूरा करने के लिये लिखा है ?

गृह-कार्य मंत्री (पंडित गो० व० पट्ट) :

(क) से (द) . मूलना राज्य सरकार से एकत्र की जा रही है और प्राप्त हो जाने पर वह सभा-पट्ट पर रख दी जायेगी ।

### Juvenile Convicts

1362. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether there is any separate enclosure for detention for juvenile convicts in the Manipur Jail;

(b) the number of juvenile delinquents arrested and convicted in the years 1955, 1956 and 1957 respectively;

(c) how many of those arrested were let off after admonition;

(d) whether there is any special treatment of these convicts for correction; and

(e) if so, the details thereof?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) Yes

(b) 205, 29 and 35 respectively.

(c) 2 (one in 1956 and the other in 1957)

(d) and (e). They are given primary education and taught weaving.

#### Confirmation of Staff

**1363. Shrimati Shakuntala Devi:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the ministerial Government servants belonging to Scheduled Castes recruited on or before the 31st December, 1947 were confirmed in the post inter-alia on completion of 3 years service whereas those recruited on or after 1st January 1948 have been denied such concession;

(b) if so, the number of those persons who would have become eligible for confirmation in 1951 and 1952, had the earlier orders been extended to them;

(c) whether the persons recruited between 1st January, 1948 and 31st December, 1952 have been confirmed in the initial constitution of the Central Secretariat Service Scheme introduced from the 1st January 1953;

(d) if so, whether they have been given any weightage in regard to their earlier eligibility for confirmation;

(e) if not, the reasons thereof; and

(f) whether any special provision has been made in the Central Secretariat Service Scheme for confirmation of such employees in the manner prescribed before the introduction of the scheme; and

(g) if not, the steps taken at present to make them permanent upto the prescribed percentage?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) Yes, this was a special concession allowed to members of the Scheduled Castes recruited up to the 31st December 1947 only.

(b) The requisite information is not readily available.

(c) to (g). Scheduled Caste Assistants appointed on or after the 1st January 1948 and in position on the 1st July 1952, who had not already secured confirmation on the basis of the two qualifying examinations held for this purpose in 1950 and 1951, were appointed to the Regular Temporary Establishment of this Grade and all of them have since then either been confirmed or will shortly be confirmed in this Grade. Such of them as were appointed after the 1st July 1952, had an opportunity to be confirmed in this Grade on the basis of the Special Competitive Examination held by the Union Public Service Commission in July 1955 for persons belonging to the Scheduled Castes and also the Open Competitive Examination held by the Union Public Service Commission in November 1955. For both these Competitive Examinations, the age limit was relaxed to 33 years in the case of Scheduled Caste Assistants. So far as clerks are concerned, all Scheduled Caste clerks who were in position on the 1st January 1953, and had rendered a minimum service of 1 year on that date were eligible for confirmation in Grades I and II of the Central Secretariat Clerical Service at the initial constitution of these Grades, though non-Scheduled Caste clerks were required to have a minimum service of 3 years at their credit on the crucial date. Such of the Scheduled Caste clerks as are not eligible for confirmation in Grades I and II of the Clerical Service as the initial constitution of these Grade will be eligible for confirmation against the maintenance vacancies in the respective grades.

### National Book Trust

1364. Shri Gajendra Prasad Sinha: Will the Minister of Education and Scientific Research be pleased to state:

(a) how many books have so far been published by the National Book Trust; and

(b) whether the National Book Trust would also go in for cheap publications on the lines of the pocket books in America?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimati): (a) None, Sir.

(b) The Government have set up the Trust in order to encourage the production of good literature at low costs.

### "भगवान बुद्ध"

1365. श्री लालर : क्या शिक्षा और वैज्ञानिक गবेलका मंत्री यह बताने की कृपा करेंगे कि साहित्य अकादमी द्वारा प्रकाशित "भगवान बुद्ध" नामक पुस्तक को विभिन्न भाषाओं में कितनी कितनी प्रतियां छापी गई हैं ?

शिक्षा और वैज्ञानिक गवेलका मंत्रालय में राष्ट्रपत्रमंत्री (डॉ. कौ. सा. शीलाली) : "भगवान बुद्ध" नामक पुस्तक को विभिन्न भाषाओं में प्रकाशित प्रतियों की संख्या निम्नलिखित है :—

प्रकाशित प्रतियां	
हिन्दी	३,०००
गुजराती	१,५००
कश्मीर	३,०००
मलायलम	२,०००
सिन्धी	१,५००
तैलगू	२,०००
तामिल	२,०००

### Life Insurance Corporation

1366. Sardar Iqbal Singh: Will the Minister of Finance be pleased to state:

(a) the number of offices of the

Life Insurance Corporation which are now located in private buildings in Punjab; and

(b) the steps contemplated to provide accommodation for these in the Corporation or Government buildings?

The Minister of Finance (Shri T. T. Krishnamachari): (a) 16.

(b) It is unlikely that the Corporation will be able to locate its offices in Government buildings. The Corporation proposes to construct new buildings or purchase suitable buildings, where available, to house the Divisional offices, which are now located in private hired buildings. The smaller offices may, however, have to continue in hired buildings.

### Pakistani Nationals in India

1367. Sardar Iqbal Singh: Will the Minister of Home Affairs be pleased to state:

(a) the number of Pakistani nationals who have crossed to India illegally in 1957 so far, month-wise; and

(b) the number of those who have refused to return to Pakistan?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). The information is being collected and will be laid on the Table of the House as soon as it is available.

### Purchase of a Dredger by Navy

1368. Sardar Iqbal Singh: Will the Minister of Defence be pleased to state:

(a) whether the Indian Navy propose to acquire a dredger;

(b) if so, at what cost and from which country; and

(c) when this will join the Indian Navy?

The Deputy Minister of Defence (Shri Ramchandra): (a) No.

(b) Does not arise.

(c) Does not arise.

## Customs Regulations

1369. Sardar Iqbal Singh: Will the Minister of Finance be pleased to state:

(a) how many instances of infringements of various Customs regulations were detected during the year 1956-57 by the Land Customs in Punjab;

(b) the value of goods involved;

(c) how the goods were disposed of; and

(d) whether the culprits were punished?

The Minister of Finance (Shri T. T. Krishnamachari): (a) 990 instances of infringements of various Customs regulations were detected by the Land Customs Officers in the Punjab during the year 1956-57

(b) The value of the goods involved is Rs 9,04,077/-.

(c) The confiscated goods were either released to the parties on payment of redemption fine or disposed of by public auction when not redeemed by the owners. Confiscated gold and silver are, however, sent to the Government Mint. Articles which are not allowed to be redeemed having been confiscated absolutely, are also normally sold by public auction.

(d) Yes, Sir; 955 offenders were punished departmentally and 10 of them were prosecuted in the court of law also.

## National Savings Certificates

1370. Shri Ghosal: Will the Minister of Finance be pleased to state the amount of money received through National Savings Certificates and National Plan Certificates from West Bengal in 1956 and 1957 so far?

The Minister of Finance (Shri T. T. Krishnamachari): The net sales of these Certificates in West Bengal are as shown below:

	In lakhs of Rs. Approximate	1956	1957
(Up to Oct.)			
National Savings Certificates (including National Plan Savings Certificates introduced with effect from 1-8-57 in replacement of National Savings Certificates)	2.89	2.79	
National Plan Certificates	95	22	
<b>Total —</b>	<b>3.84</b>	<b>3.01</b>	

## Hindi Teachers in Defence Establishments

1371. Shri G. M. Banerjee: Will the Minister of Defence be pleased to state

(a) whether teachers have been appointed to teach Hindi to the civilian employees working in the various Defence establishments,

(b) if so, their number, and

(c) the number of employees learning Hindi?

The Deputy Minister of Defence (Shri Raghuramiah): (a) Yes The Ministry of Home Affairs have appointed teachers at various centres to teach Hindi to Central Government servants, including civilian employees in the various Defence establishments.

(b) and (c). The information is being collected and will be laid on the table of the Lok Sabha.

## Rehabilitation Finance Administration

1373. { Shri Ghosal:  
Shri T. K. Chaudhuri:

Will the Minister of Finance be pleased to state:

(a) the total number of applications received by the Rehabilitation Finance Administration from the displaced persons from the East Pakistan since 1948; and

(b) the total number of applications disposed of and the amount granted so far?

The Minister of Finance (Shri T. T. Krishnamachari): (a) and (b) Out of 41,010 applications received upto 30-9-57, 31,992 were disposed of and the amount of loans sanctioned was Rs. 423.37 lakhs (net) till that date.

## Festival Advance

1374 Shrimati Ila Palchoudhuri: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that all Central Government employees are allowed a month's salary as 'Festival Advance' every year on the occasion of one or the other national festival according to the choice of the employees; and

(b) the conditions attached thereto?

The Minister of Finance (Shri T. T. Krishnamachari): (a) Yes—An advance of Rs. 75/- or one month's pay whichever is less, is granted to non-gazetted Central Government Servants drawing a basic pay of less than Rs. 300/- per month.

(b) The conditions attached to the grant of advance are—

(i) It is recoverable in not more than four monthly instalments.

(ii) It must be drawn before the festival.

(iii) It is admissible only to those on duty or on leave on average pay or earned leave on full pay at the time the advance is drawn.

(iv) It is ordinarily admissible only on one occasion in a calendar year for members of each Community serving in an establishment.

(v) Temporary staff have to furnish securities from permanent Government servants or any other form of security considered adequate by the sanctioning authority. The authorities competent to sanction these advances may, at their discretion, dispense with this requirement in the case of temporary staff/workers in industrial establishments who have completed 3 years of continuous service and are likely to continue in service till the adjustment of the advance.

(vi) It is not payable to temporary staff/workers in industrial establishments, who are not likely to continue in service for a period of at least six months beyond the month in which the advance is paid.

N. B.—The orders on the subject are for the present operative up to 31.12.1957.

## U.S.S.R. Government Scholarships

1375. Shri Tangamani: Will the Minister of Education and Scientific Research be pleased to state:

(a) the number of students from Madras and Annamalai Universities who applied for scholarships offered by the Government of U.S.S.R. for post-graduate studies for research during 1957-58;

(b) whether any of them have been selected for award of these scholarships; and

(c) if not, the reasons therefor?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimati): (a) One.

(b) None.

(c) The Selection Committee did not find it possible to select this candidate in view of other better qualified candidates.

12. h.m.

RE: INVESTMENTS OF THE LIFE INSURANCE CORPORATION IN THE FIRM OF MUNDRA'S

Shri Feroze Gandhi (Rai Bareli): Mr. Deputy-Speaker, before you proceed to the next business, I would like to draw your attention to a fact which I had raised a few days ago in connection with the investments of the Life Insurance Corporation in the firm of Mundras. The Finance Minister had promised to lay a statement on the Table of the House on the 29th of November. Again, a few days ago, he said that he would lay a statement. Since there is a discussion which will take place in the next two or three days, it will be extremely difficult to say anything unless we have the statement. I would like to know whether the Finance Minister intends to place a Statement on the Table of the House or whether we have to rely on the information that we collect.

The Minister of Finance (Shri T. T. Krishnamachari): I am sorry I did not commit myself to any date. I expect to be able to place a statement on the Table on Wednesday.

Shri Feroze Gandhi: Next Wednesday?

Shri T. T. Krishnamachari: Day after tomorrow

(1) Report of the Union Public Service Commission for the period 1st April, 1956, to 31st March 1957.

(2) Memorandum explaining the reasons for non-acceptance of the Commission's advice during 1956-57. [Placed in Library. See No. LT-427/57].

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 4th December, 1957 agreed without any amendment to the Navy Bill, 1957, which was passed by the Lok Sabha at its sitting held on the 21st November, 1957."

MINES AND MINERALS (REGULATION AND DEVELOPMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

Shri R. Pattabhi Raman (Kumbakonam): I beg to move:

"That the time appointed for the presentation of the Report of the Joint Committee on the Mines and Minerals (Regulation and Development) Bill, 1957, be extended up to the 16th December, 1957."

Mr. Deputy-Speaker: I shall now put this motion to the House.

The question is:

"That the time appointed for the presentation of the Report of the Joint Committee on the Mines and Minerals (Regulation and Development) Bill, 1957, be extended up to the 16th December, 1957."

PAPERS LAID ON THE TABLE

REPORT OF UNION PUBLIC SERVICE COMMISSION

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table, under Article 323(1) of the Constitution, a copy of each of the following papers:—

**RE: ADJOURNMENT MOTION  
ABOUT LABOUR SITUATION IN  
KANPUR**

**Shri S. M. Banerjee:** (Kanpur): May I submit, while respecting your decision about the adjournment motion about the labour situation in Kanpur and the closing down of three mills, I submit a Calling Attention notice has been moved by Shri Jagdish Awasthi. We do not get any opportunity to discuss the whole question at the time of the Calling Attention notice. I want to impress on you, Sir, if this adjournment motion is allowed, we will be given some time to discuss. This is a question of 14,000 labourers.

**Mr. Deputy-Speaker:** Is that all?

**Shri Jagdish Awasthi:** (Bilhaur): This is a very important matter.

**Mr. Deputy-Speaker:** In the first instance, the hon. Member began by saying that he respected my decision. But, in fact, he did not respect it.

**Shri S. M. Banerjee:** I do

**Mr. Deputy-Speaker:** If I may judge, it is not submission to that decision of mine, it is having one's own way. It was not submission to my decision. I am sorry for that. Anyhow, if he wants that some discussion should take place, the Calling Attention matter is coming up and then we can decide. I have already said the other day that, if any hon. Member feels aggrieved by the decision, he can come into the Chamber and then have a discussion. We will discuss whether something could be done about that and I will also advise the hon. Member to follow the same path. Then, we will see what can be done. The Calling Attention Notice is there. Perhaps that would be coming up soon. Now, we might proceed with the further programme. The hon. Home Minister.

—

**PREVENTIVE DETENTION (CONTINUANCE) BILL**

**The Minister of Home Affairs (Pandit G. B. Pant):** Sir, I move:

"That the Bill to continue the Preventive Detention Act, 1950,

for a further period, be taken into consideration."

12.05 hrs.

[**MR. SPEAKER** in the Chair.]

**Shri Khadilkar** (Ahmednagar): On point of order,....

The Preventive Detention (Continuance) Bill is here. We have not been supplied with the original Act which is to be continued. In the margin of section 2 of this Bill, it is said, "Amendment of section 1, Act 4 of 1950.". So, though it is said to be a Continuance Bill, it is in fact an Amendment Bill. If one section is to be amended or a part of it, are we not entitled to question the other sections or seek amendment to sections other than section 1?

Secondly, I would like to submit that consequential amendments are necessary. In the original Act, when the States Reorganisation had not taken place, there is mention of Part C States. I have not got a copy of the latest revision, unfortunately. Whether there was a revision of that nature regarding Part C States is not clear from this Bill. Therefore, my submission is that as the measure is before this House to amend that Act and continue it further for a period, we are entitled to revise or amend or oppose all other sections as they are. So, the original Act must be supplied before this Bill is taken into consideration.

**Pandit G. B. Pant:** I do not really understand the exact character of the objection. So far as the original Act is concerned, it has been in operation all these years and I should imagine that every hon. Member of this House is acquainted with its contents. It would be presumptuous on my part to assume that even one single Member in this House, after all the controversies, discussions and debates that we have had, still continues to be unacquainted with the contents of the Bill. Copies must be in the Library. If any one had any further desire to see a copy, one could have perhaps taken the trouble of going to the Library and seeing a copy. If the hon. Member had asked, I would have tried to furnish him with one, or if

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he had so desired, two or three copies even. But no suggestion was made to me.

As to the other question about amendments, I think you have given a ruling in this connection already, previously, on more than one occasion that where Bills are introduced in this House only with a view to extend the existing Act, there can be no amendment of the provisions of the principal Act. So, I do not think there is any force in the objection.

Mr. Speaker: Let me dispose of one simple point. I am not going into the other matters now. The first question is, we have not reached the stage of amendment yet. I am not called upon to give a ruling hypothetically. There may be no amendment moved. Why should I give a ruling. The only point is, copies of the original Act have not been supplied. Hitherto, our ruling has been that that portion which is actually touched in the previous Bill is alone given here. As to whether on account of clause 2, this is a peg to hang on, this is a substantive amendment and other amendments can be moved or not, I will dispose of that when we come to that. This is an Act. This is not a Bill. It is there in the Library. He could have gone to the Library and looked into it. If copies were not available, and if he had written to me, I would have made many more copies available to hon. Members. There is no point of order.

Shri A. K. Gopalan (Kasergod): May I make a submission, Sir?

Mr. Speaker: Later; not now.

Shri A. K. Gopalan: I had written a letter to you now.

Mr. Speaker: I will come to it. I will never dispose of any matter without giving an opportunity to hon. Shri Gopalan.

Shri S. M. Banerjee (Kanpur): That would apply to others also?

Mr. Speaker: To all. The hon. Minister.

Pandit G. B. Pant: The subject matter of this Bill has come up before

this House on more than one occasion. So far as the fundamentals are concerned, they have been discussed. Full-dress debates have been held and the leading Members of this House have expressed their views. It is difficult for me to say anything that would tend to win them over to my point of view, or even in any way soften the edge of their opposition.

An Hon. Member: What about the edge of your Act?

Pandit G. B. Pant: The edge of the Act will, I hope, not hurt any one who tries to lead a peaceful life.

Shri Sadhan Gupta (Calcutta-East): Experience is otherwise.

Pandit G. B. Pant: The Bill itself is a very simple one. It is a one line Bill. It asks only for the extension of the existing Act. It does not propose to do anything new. So, if any onus lies, it lies on those who want to disturb the existing conditions. I am only trying to continue what the Act had provided, but I must at the same time confess that it is a matter of regret to me that I should have to pilot a Bill to which some of the respected Members of this House are sincerely opposed. There is opposition sometimes for the sake of mere opposition, but I quite realise that in the matter of this Bill some of the Members for whom I have great regard do really hold opinions of a different type. I wish it had been possible for them to view things in their totality, and reject the theories which have been trotted out from time to time, modulated by the realities, the hard realities of the situation in our own country.

I feel that the principle of detention had to be accepted because of the conditions in which we have to function. No one can accuse the authors of the Constitution of any lack of scrupulous regard and respect for individual liberty and other fundamental rights. If we have a written Constitution which guarantees social justice, equality, liberty and frater-

nity, we owe it to those authors and to their patriotism and to their regard for the realisation of the dream of a society in which all could live with ease, in peace, with freedom, and contribute to the good and the welfare of all and each. It was with that objective that those who were tried representatives of the country tried, and those who had undergone various ordeals framed our Constitution.

In that Constitution, though many countries have not got such a Constitution, they embodied the fundamental rights, and the fundamental rights that had been so guaranteed in our Constitution are, I think, so comprehensive, that hardly any other Constitution can compare favourably with them.

But while doing so, they felt they had to make provision for preventive detention too. Why did they do so? Was it a real joy to them? Did they not appreciate the benefits, the value, the potency of individual liberty? Did they not have sufficient respect for the principle of individual liberty? If, in spite of that, they considered it a necessity, an inescapable necessity to introduce that clause, it was because the circumstances in the country demanded that such a provision should be made.

So, it is not against the wishes of the authors of the Constitution. We are not in any way acting against the basic principles. It is desirable that we should appreciate the position and assess this Bill, however unpalatable it be, at its correct worth. Its merits and demerits may be taken into account in the light of the basic principles contained in our Constitution and also the provision made therein for such a Bill.

Under article 22 of the Constitution it is open to this Parliament to pass Bill of this type. Of course, when a provision is made, it is made because those who are charged with the res-

ponsibility of framing the law not for that day alone but for decades, for children and children's children, have to take a far-reaching view and to have vision. It is in these circumstances that the first Bill was born, and since then there have been amendments from time to time.

Statements have also been furnished and occasionally discussed in this House about the number of persons detained, the reasons for the detention, the references made to the Advisory Boards and the results of such references.

As hon. Members know, this Act, the Preventive Detention Act, 1950, provides for detention for the protection of the security of India, for the defence of India, for the maintenance of essential supplies and services for the preservation of order and security of the State, and also for one or two other matters. No one can say that these purposes by themselves are not desirable. Every one will agree that it is necessary that these objects, for which these provisions have been designed, should be ensured and fully safeguarded. So far as these objectives are concerned, there can be no difference of opinion.

I may also submit that there is some departure from the normal procedure adopted in the preliminary report. If there had not been any deviation there would have been no occasion for this Act. It is because it makes some deviation from the ordinary Anglo-Saxon procedure that we have adopted in our country, that this Act had been framed. But even in those countries which have now this Anglo-Saxon jurisprudence and ways of trial there were many decades and many centuries when laws of this type and, if I may say so, much more drastic, were enforced. Even in the most advanced countries today some of the well-known political parties cannot function; they are not allowed

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to do so. We, on our part, have repealed laws which empowered the Government to declare any association or body as unlawful. So, all parties are free to function in our country. At least there is no law that would empower the Government to outlaw any party. In the olden days there were laws of that type and the spirit of those laws still exists in the most civilised countries of the day.

I may also say that we have also removed all fetters on the press and the Press (Objectionable Matter Act has now no place in the Statute Book.

**Shri Vajpayee (Balrampur):** What about Punjab?

**Pandit G. B. Pant:** I did not quite catch the word, but, I think, there is not much force in what is being said. So, Sir, now we have come to this House for the continuance of this Bill. If we had felt, as we did in other cases, that we could dispense with it consistently with the duties and responsibilities that we owe to the millions of peaceful citizens in this country, we would have readily done so. It is because after careful thought we feel that we would be by adopting such a procedure virtually going in the right course and doing something which will be to the benefit of the country that we have brought this Bill. Our object—I hope, it is the object of all of us—is to work for the welfare of the entire people, for the cultural, economic and, if I may say so, even spiritual advancement of the millions living in this land. We wish that all ways of progress may be fostered and every encouragement given to all such measures. So far as that goes, I think, there can be no difference of opinion, and it will be accepted that that is the common objective of all of us.

Then, in order to achieve that objective it is necessary that there should

be peace in the land, that there should not be upheavals, that there should not be organised outbursts, that things should move in a way which would enable the large mass of the people living in this land to discharge their duties and functions in an undisturbed manner. For that purpose, we have sometimes to adopt methods which impinge upon the liberty of individuals. We have penal laws in the country which come under various Acts and thereunder men are punished. But, here in this Bill we are not providing any punishment as such. It is a preventive Bill.

**Shri Naushir Bharscha (East Khandesh):** Great mercy!

**Pandit G. B. Pant:** It is designed to save people from doing mischief to others and inviting trouble on themselves. It is in a way the protector of both because if people are not prevented from interfering with society in a manner which will upset the order and tranquillity, which is the base of all progress, then it would be harmful to them, and also necessary to others.

The Bill, though it does not provide for regular trial, does provide ample safeguards. Firstly, a person who is detained must be given the grounds on which the detention is ordered, within five days if he is detained by the District Magistrate or a Commissioner of Police. Then the order, if not ratified by the State Government within 12 days, should be deemed to have lapsed. If it is communicated or affirmed by the State Government, or if an order is passed by the State Government, then a reference should be made to an Advisory Board within 30 days.

An Advisory Board consists of three persons. One of them must be a High Court Judge. And others too should be persons who are either Judges of the High Court or entitled to such appointment. So, there is a Board consisting of eminent persons with vast judicial experience and with

an ingrained habit of fairness and fair play to dispose of such matters. It is only when such an order is confirmed that it can continue but it can in no way continue for more than 12 months. That is the maximum limit. And the Board must give its findings within the framework of this Bill so far. So, various safeguards have been provided which were feasible within the framework of this Bill so that minimum deviation from the ordinary procedure may be made. In the circumstances, I think those who are not satisfied with the Bill will at least take these factors into account.

Then, when this Act first started the number of detentions was very large. In 1950 the number detained came to 10,962; in 1951, it was 2,316; in 1952, 1116; in 1953, 736. On the 30th September this year, the number of detenus came to only 205 or 207—I am not sure. But, it is between 205 and 207.

**An Hon. Member:** It is 205.

**Pandit G. B. Pant:** Thank you.

Out of that, 101 are from the Punjab alone. The reasons are known to the House. If they are left out, the rest would be about 100, just a little over 100, so that from 11,000 the number of detenus has gradually come down to 205, or leaving one State alone, to 104.

**Raja Mahendra Pratap (Mathura):** Then the Bill is not needed.

**Pandit G. B. Pant:** If the continuance of the Act had led to the increase of crime in this manner or if it had been proved that the Act had been used without care and circumspection there would have been some sort of plausibility about such a suggestion. But the course of events shows that the Act has served a very useful purpose and the Act had been used with very great caution and very sparingly and its use and its existence have resulted in a considerable reduction in the number of those who had to be detained. So, that is rather an

additional argument for the continuance of the Act, not for its discontinuance.

There is one point which is worth considering. It is this, whether we have reached a stage when we could carry on the affairs of the country without some sort of reserve power of this type. I submitted that there are other countries who, in the early days when their freedom was not mature or when they had just started, and for many decades and centuries thereafter, had laws much more drastic than this. Our independence started only 10 or 11 years ago. It is a matter of congratulation and gratification that in spite of the teething troubles, we have been able to advance and to forge ahead.

**Shri Sadhan Gupta:** Now you want to bite.

**Pandit G. B. Pant:** The facts have to be recognised that there are subversive agencies, there are disruptive factors, there are communal compartments, there are castes which make our society somewhat different from the society existing in other countries and there is that respect for law and order in other countries which is not shared by everyone here.

In the United Kingdom, a constable carries tremendous authority and no one can question it. What he says has to be obeyed and carried out. The evidence recorded by a police officer is admissible in evidence under the law. But, here you have a different position. Here the law is passed by the Parliament which carries the will of the representatives of the entire country. They are sometimes openly flouted and flouted in an organised manner. We see people going round sometimes to carry out a campaign for preventing others from adopting a language or for forcing others to adopt one. These things do not stand on non-violence alone. Once it starts, then courts are raided, roads are blocked and inevitably violence follows in some form or other. And

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it is not a matter which is restricted to a few, but vast numbers of people are sought to be brought within the fold of those who lead and organise such movements. This leads to disturbances of public tranquillity, to violence and menaces, the peaceful progress of the State. So, the Bill is needed.

No one in the U.K., whether he likes the law or not, defies it. There the Labour Party may nationalise the collieries and the Conservative Party may hold a different opinion. But it does not carry out a campaign of defiance with its content of violence against the other party. It allows the law to have its course. It bides its time. It may come there in future and change it, but we see here in Uttar Pradesh the campaign was carried, for months and months, for forcing the Government to adopt Hindi for all purposes forthwith, immediately and at once. In some other places, such as in the Punjab, the campaign is conducted to force the Government not to allow or not to ask the students to read Gurmukhi in their schools as a part of their curriculum. Similarly other things happen. I will not refer to other cases of that type.

We read out the other day the statements made by some of the leaders of Dravida Kazhagam, Madras, to kill the Brahmins and cut their throats.

**Shri Sadhan Gupta:** It is acting in self-defence.

**Pandit G. B. Pant:** I do not know whom Shri Sadhan Gupta seeks to defend.

**Shri Sadhan Gupta:** Government

**Pandit G. B. Pant:** I do not think there is any danger to him. It is a grave matter and what I say is this. That is not one man who says so, but there are thousands of others, and they are misled by one individual, and the whole area is affected and infected. How are you going to main-

tain law and order there if you cannot proceed against the persons?

**Shri Panigrahi (Puri):** How many of them have been arrested or detained?

**Pandit G. B. Pant:** Well, I do not exactly know, but I gather from the question that if they had been arrested, the questioner would have considered it right and that is what I am concerned with.

Well, similarly in other cases; there was that other case in which, in Ramanathapuram, a sort of a reign of terror was let loose—

**An Hon. Member:** How did they come to know?

**Shri B. C. Kamble (Kopargaon):** By whom?

**Mr. Speaker:** The hon. Members know it, and if not, they may look into the papers. Whoever might be responsible, do you mean to say that if it is X, "go away", and if it is Y, "catch hold of him"?

**Pandit G. B. Pant:** The weakest section of the community was not only maltreated but hundreds perhaps something like 3,000 of houses were set on fire. Several people were killed and the police had to take recourse to firing in order to save large sections against the mad persons who were carrying on that campaign. I do not know if all these facts can be compared with the way things happen in other countries. So, analogy will not guide us and by saying that such things do not happen in other countries we do not profit. We wish such things do not happen in our own country. We have to hang our heads in shame because of that.

Only the other day, I think there was some suggestion that, when a railway accident happened, when some rails had been deliberately removed, a subversive activity had been done by someone who had in a

way so mischievously prepared the death trap for hundreds travelling by train. Can such a thing happen in other places—subversive movement can be indulged in with tremendous harm and injury to the community?

We know what happened in Kharagpur just sometime ago. We know how buses were burnt, post-offices were sometimes reduced to ashes and how even attempts were made to blow up bridges here and there. We also know, leaving aside this happening, that bombs and crackers have been used from time to time in order to create terror and to do injury to people.

**An Hon. Member:** They will be left scot-free.

**Pandit G. B. Pant:** I am not able to catch every word that is spoken and I do not think there is much in them to force me to stop my own few remarks that I am making and to attend to the others. Everyone will have ample time and I am at the service of everyone even outside the House if not here.

Then we see what has happened in Kashmir. We see how espionage is being practised, how—many may not be knowing—money is pouring in from Pakistan for the purposes of sabotage in Kashmir and how in other ways such sorts of preparations for violence are being made. Can all these things be proved in a regular way in a court of law?

**An Hon. Member:** No.

**Pandit G. B. Pant:** Well, if they cannot be, should they be allowed to go on and should the people be allowed to suffer from these outrages? If not, then, has a remedy to be found or not? You may say, "Your police is not competent." Assuming it is not competent, are the people to be allowed to die before our police becomes competent? (Interruptions). What I may submit is, to say that our police

is not competent is not quite so accurate.

As hon. Members know, when the revolutionary party in Ireland—the Sinn Féin movement—was on and violent deeds were done day in and day out, the police was not able to arrest anyone. So, our police is immensely better. (Interruptions).

**Mr. Speaker:** Order, order. I shall note down mentally and commit it to writing here, all hon. Members who are interrupting and treat their interruptions as speeches, and they would not have any opportunity to speak.

**Shri Sadhan Gupta:** Will you not allow even longer interruptions?

**Shri Narayananakutty Menon (Mukundapuram):** Is it also preventive in a way?

**Pandit G. B. Pant:** I was submitting that so long as happenings of this character are reported and so long as there is organised defiance at the initial, intermediate or the ultimate stage to be faced, the society has to be protected.

This measure is a protective measure and it does not harm anyone and every attempt is made to see that nobody is wrongly punished.

The small number involved which has been the reason for bringing forward a measure like this itself testifies to the caution that has been observed in enforcing it. This is something which has to be put into operation with the utmost care. If after proper scrutiny it is felt necessary in the larger interest of the country that some action should be taken so that the millions may enjoy their liberty, this action will be taken. (Interruptions). This matter has been discussed in this House again and again. I am thankful for the hon. members for having allowed me to speak. Sometimes we find a tendency not to allow one to have his say. I fully realise that all that I have said

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cannot appeal to hon. members opposite. Some of my remarks may not be appreciated by them. But I hope they will concede that it is only with a desire to preserve the liberty of the millions living in this land and to enable the country to make peaceful progress without disturbance that this Bill, in the existing circumstances has been considered necessary and that is the reason why I have made this Motion for consideration.

Mr. Speaker: Motion moved:

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

I have received some amendments to this Motion. There are some amendments stating that the Bill may be circulated for eliciting public opinion by the 15th February, 1958. This Bill expires on the 31st December, 1957. I have received 20 or 25 Motions for circulation giving dates beyond the 31st December, 1957. Therefore, if this Bill expires, another Bill in the original form will have to be brought before the House. So, this is a dilatory motion. (*Interruptions*). Order, order. I shall accept the amendment given notice of by Shri Sadhan Gupta. Now, the rest of the amendments are of a dilatory nature. I rule them out of order. There are two sorts of amendments, namely, for eliciting public opinion and for reference to a Select Committee. I am accepting one amendment by Shri Sadhan Gupta.

Regarding reference to a Joint Committee, there are two amendments given notice of by Shri Braj Raj Singh and Shri T. K. Chaudhuri. It is stated that the Joint Committee may be asked to report by the 15th of February, 1958. I don't know what the Joint Committee could do when the term of the Bill would have expired. That is one objection. I would like to hear any one hon. mem-

ber who would like to speak on this point before I give my ruling. I am prepared to hear one spokesman from the Left. I shall then hear the hon. Minister and then I will give my ruling. Now, this is a continuance Bill. What is the purpose of sending it to a Select Committee? There are no special points to be gone into by a Select Committee. Therefore no purpose will be served by sending the Bill to a Select Committee. In a Continuing Bill, the provisions are continued for another two years or three years. The only point is, whether it is in the interests of the State to continue them. A discussion on that point can take place. No amendments could be moved to any of the Sections of the Original Act. Amendments to original sections of the Act will not carry out the intentions of the House.

Therefore, the amendments can only be of a purely formal nature and not of a substantial nature. I would request hon. members to refer to the rulings given earlier. In House of Commons also this is the practice. This matter came up here in connection with the Preventive Detention Bill on more than one occasion, as well as the Delhi-Ajmer-Merwar Rent Control Act of 1947. It is the practice in the House of Commons that no amendment to merely continuance Bill should be allowed. Supposing the Government itself brings in an amendment, the consequential amendment thereon could be allowed. This Bill only proposes to substitute the words "31st December, 1957" in the original Act by "31st day of December, 1958." It is not an amendment which goes into the merits of the case. Therefore, all amendments to other sections of the original Act are out of order.

Regarding reference to a Select Committee, hon. members are aware that any bill can go to a Select/Joint Committee only when the principles are accepted by the House. In that case hon. members can bring in an amendment for reference of the Bill

to a Select Committee. Where you cannot make an amendment in the House itself, what is the purpose of sending a Bill to the Select Committee? Therefore, it is an infructuous amendment and the time of the House need not be allowed to be wasted. Under these circumstances, this motion, that is, amendments for reference to the Select Committee also, seem to be out of order. Now I am giving an opportunity to the hon. Members before deciding what ought to be done. Since Mr. Gopalan has sent me a letter, I request him to speak.

13 hrs.

**Shri A. K. Gopalan:** It is true that there was a ruling on this subject. But I may point out that though there was a ruling when it was first introduced, when we were asked to be in the Select Committee, there was discussion on whether we will be allowed to discuss about the original Act and finally we were allowed to discuss the Act as a whole in the Select Committee. We were given permission for that. The Leader of the House was also there and in the discussion it was said that we can discuss it.

**Mr. Speaker:** The hon. Member must know that there were substantial amendments to some provisions in the Act and then it was referred to the Select Committee. So amendments were allowed to be moved. Now there are no amendments at all.

**Shri A. K. Gopalan:** As far as the Members of this House are concerned, this is the first time that we are discussing this Bill. It is true that in the last House in the first session when it was first brought up, an opportunity was given to all the members to discuss it. Then, after two years, a Bill was brought forward for extension of the Act. But, as far as this House is concerned, there are so many members who are new and who have had no discussion about this Bill. They are asked to give permission for extending the Bill.

My request is that those new members of this House, who are many, may

also be given an opportunity to discuss the Bill as a whole and the amendments also. That is my submission. Because, according to this measure, many of the members are asked to give permission to extend the life of the principal Act. Many of the hon. Members may accept amendment to the original Act. But they must be given an opportunity to express their opinion on the original Act. That opportunity is not given now. They are only asked to say whether they are for or against extending the principal Act.

I say that all the new members must be given an opportunity because they have not discussed it so far. They had no opportunity to discuss the original Act. So, I submit that this may be allowed.

**Shri Parulekar (Thana):** When the life of the Act is being extended the life of all the sections of the Act are also being extended, which are otherwise bound to expire with the life of the Act itself. So, in that sense we are re-enacting the Act with all the sections. Therefore, the House has a right to move amendments to all the sections which the Act contains. Along with the life of the Act, we are extending the life of other sections of the Act also. Therefore, it is a fresh Bill and we are entitled to move amendments to each section of that Act.

**Shri Naushir Bharucha:** I quite appreciate the rationale of the ruling which has been laid down so far, namely, where only the life of the Act is to be extended, amendments should not be allowed to the various clauses of the Bill. If nothing material had transpired since 1950, there is no need for fresh discussion. But I also submit that any discussion that takes place under the rule should be helped and not hindered. The rules are intended to facilitate the discussion, to bring out what is in the minds of the hon. Members of Parliament. I would, therefore, request the Chair to depart from the previous rulings to the extent

[Shri Naushir Bharucha]

that when a new House meets, which had not had an opportunity of discussing the clauses of an important Bill, members of that House must be given an opportunity to place their views as representatives of the people.

Secondly, where circumstances have so vitally altered since the enactment of the substantive Act as to create a material difference in the provisions of the Bill, then, in such cases it should be open to the Chair to construe the amendment for extension as if the extension was intended to apply to every individual clause. Suppose the Government say that clause 3 or clause '4' of the Act would be extended for three years, then the members should be entitled to move amendments to these clauses.

Therefore, merely by reason of the fact that the Government chooses a particular method of extending the life of the Act, the Chair should see to it that the Government does not thereby manage to escape from criticism on the various clauses of the Bill. Therefore, I would request the Chair to depart from its previous rulings to this extent, that is, where it is a new House, where there are substantial changes in the circumstances since the enactment of the Act, and where in the opinion of the Chair there is sufficient case made out for the provisions to be considered, in such cases the normal practice may be departed from and the Chair may permit amendments to be moved to the various individual clauses of the Bill.

**Shri Sadhan Gupta:** I am moving my submission on the point that you have posed, namely, whether in view of the limitations imposed by the rulings, there is any further scope for amendment in the Bill, as it has been introduced. I would adopt the arguments that have been advanced by previous colleagues about the legality or the advisability of allowing amendments to the parent Act itself. But, apart from that, accepting the rulings for the moment that no amendment is possi-

ble in respect of the parent Act and we must confine ourselves to the Bill, as it has been presented before the House, I would submit that even then there is considerable scope for amendment.

In the first place, there is the question of the time limit, the length of time for which the parent Act is to be extended. Are we to extend it for three years, four years, six months or for a lesser period? Now there are many amendments, proposing different time limits for extension. Many notices of amendments have been given for different time limit for the extension of the Act. This matter can be very properly dealt with in a Select Committee, if it is sent to a Select Committee. In the House we can only give our reasons for not extending the time limit and the Home Minister can give only a reply. But, in the Select Committee we can discuss it informally, more frankly; we can exchange our views and, maybe, we might arrive at a particular conclusion.

Secondly, clause 1 of the original Bill has been touched and, to that extent, we might also give notices of amendments about clause 1. For example, about the extent of the Bill, is it necessary to extend the Bill to the whole country or to a part of the country? For instance, if it is felt that it is necessary in particular parts of the country, we might confine it to them. For example, the Chief Minister of Kerala, in a meeting at Calcutta, had categorically stated that the Kerala Government has informed the Central Government that they do not want the Preventive Detention Act. Why should the Preventive Detention Act be still foisted on the Kerala State?

I would submit that amendment should be allowed to clause 1. The extent of the Act could also be determined in the Select Committee. So, in the first place, we could have a

profitable discussion in the Select Committee about the limit of time, that is, why the time should be limited to three years and why the time should not be limited to less than three years. Secondly we could also discuss profitably about the extent of the Act, whether it should extend to the whole country or to particular States or whether one or two States should be left out of account. These things can be profitably discussed in the Select Committee. Maybe, they may be introduced by way of amendments to the Bill and such amendments would be quite in order here as well as in the Select Committee. The only thing is that they might perhaps be more easily disposed of, or more profitably discussed and views may be exchanged frankly and thereby something may emerge, which would be better than what would emerge out of mere flinging of arguments and counter-arguments in this House.

**Shri T. K. Chaudhuri** (Berhampore) rose.

**Mr. Speaker:** I have heard sufficiently.

**Shri T. K. Chaudhuri:** About my motion I want to ask something. You have been pleased to observe that my motion is not dilatory but it is infructuous. Am I to understand by your ruling that the previous rulings on the subject of continuing Bills prevent the House from directing the Select Committee to go into the provisions of the substantive Act?

**Mr. Speaker:** Yes. The hon. Minister.

**Pandit G. B. Pant:** In view of the clear and definite rulings given by the Chair previously, it is hardly a point to be mooted again. But from the arguments of the speakers on the other side, it seems they all accept that if it were the old Parliament that had been sitting, then in that case it would not have been open to that Parliament to go into the clauses of the original Act. Well, that being

accepted and conceded, the only point is whether with the recombination of the Parliament, the procedure should vary by itself without the rules being changed or without the fundamentals being in any way varied. If the procedure of Parliament were to vary with the change in the membership of the Parliament, it would be a very slippery foot-hold; we could never be sure about the procedure that we should adopt.

In regard to the argument that it is after the general elections that we are considering this, that is exactly the point why there should be no discussion on the principle whether the Bill should be extended or not. For, as was indicated the other day that there was a strong feeling on the subject, I assume that this had been one of the main planks of various parties. If it had been so, then every one must have known everything about that Act; because people should have attacked that Act and tried to secure votes and to throw out Congressmen. So they should be better educated and more familiar with it than they would have been if there had been no election in-between. Then that proves, on the other hand, that on merits also the election has proved that the country is in favour of the continuance of this Bill.

**Shri Hem Barua** (Gauhati) rose.

**Mr. Speaker:** I would insist upon hon. Members observing the rules of procedure in this House. Though it was open to me to rule it out in accordance with the previous rulings I wanted to hear. I do not want to be arbitrary. I allowed opportunity to this side and then called upon the Minister, and finally I have to decide one way or the other. Thereafter hon. Members getting up and saying "one word" etc. is not proper. In the Supreme Court, if the hon. Member is not already a practising lawyer, he will find that this kind of thing will not be allowed. At the time when Shri T. K. Chaudhuri rose, if he also had desired to say something, I would have remained in my seat for

[Mr. Speaker]

two more minutes until I heard him also, I am not giving a ruling only for this House now. There are fourteen other Assemblies. They might say, "they have ruled like this". I am conscious of the fact that I am ruling not only for now, this will be a precedent. Therefore, I would like to hear as often as possible, but not indiscriminately like this.

I have heard sufficiently. This is not one of first impression here. The only point raised is that this is a new House. I entirely agree with Shri A. K. Gopalan and other friends that opportunities ought to be given to Members here who were not Members at a time when this Bill was passed or was extended on earlier occasions. I will certainly give them opportunity to discuss at length the various points —whether it is necessary in the altered circumstances, whether the facts that have been given are true or not, even apart from that whether the country cannot take a risk and do away with this and let us see for some time, whether the provisions are oppressive, what more could be done and so on. I will certainly allow ample opportunity for hon. Members to place their case.

My predecessor, Shri Mavalankar, went into this matter and said that with respect to individual suggestions, certainly, if they are agreeable to retain some of those provisions and say that some provisions are oppressive, Government may consider that and bring an amendment. We are sitting in the morning, at mid-day and in the evening, and therefore such amendments can be brought any time. No government, even with a majority, can bank upon that majority permanently. After all, men's minds are fluid. Therefore, if reasonable suggestions are made, Government can bring any amendment at any time. That is what my predecessor ruled.

It is not as if once for all there is anything decided permanently. We

are trying to judge from time to time.

Then with regard to the scope of the Bill, the point made is that when a Bill is brought, though it is a continuing Bill, should we not have an opportunity to consider every clause? True, but it will mean that once again we go through the clauses and the whole thing. Is not the time of the House equally precious? Are those Members who have already made up their minds to be ignored because another smaller section says "you must go into the matter"? The rules of procedure, I agree, are intended to do substantial justice. The one way which has been discovered is to allow this to continue and throw out the Bill on a single small clause; if the Opposition retains eight clauses and opposes only one single clause; it is open to them to do so, unless Government gives an assurance; and if they are sure and if they are going to throw out the Government, the Government would certainly bring another amendment. They will say "allow this Bill to pass, we are going to do it tomorrow". So there are ways and means. Whatever is the general opinion of the House, if it is expressed strongly, Government will react to it. Otherwise it will have to go out of office. Let us not take advantage of every small motion and enlarge the scope. We cannot get along with our work. That is the simple reason why I am not allowing the scope to be enlarged.

With regard to the amendments, Shri Sadhan Gupta said that they can be moved. Not absolutely. He said that amendment may be moved to clause 1 that the time need not be three years but may be one year. Certainly. But I am not in favour of saying that merely because the time is sought to be extended, we can go into the scope whether it should be applicable to the whole of India or whether a portion can be cut off. One Member says Kerala, another gentleman will say Madhya

Pradesh. That will be going into a substantial matter not covered by this amendment. Under these circumstances there is no purpose in sending it to the Select Committee.

Regarding Shri T. K. Chaudhuri's motion, it says that the Bill be referred to a Select Committee with instructions to go into the original sections of the Preventive Detention Act as well and suggest suitable modifications to the provisions of that Act. That is, what he wants us to do is to clothe the Joint Committee with power to go into those sections of the original Act and to touch them which we ourselves here on account of the special nature of the Bill are not competent to go into. Therefore this is an extraordinary proposition. A sub-Committee of the House cannot do what this House by itself cannot do.

Under these circumstances I felt that both these amendments for reference of the Bill to a Joint Committee are not in order. I accept the one for circulation by 19th December.

**Shri T. K. Chaudhuri:** There are some for extending the life by one year and so on.

**Mr. Speaker:** They are all in order. Those amendments restricting the period, I am going to allow.

**Shri Sadhan Gupta:** Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 19th December, 1957."

**Mr. Speaker:** Amendment moved.

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 19th December, 1957."

**Mr. Speaker:** Eight hours have been allotted for this.

**Some Hon. Members:** Nine hours.

**Mr. Speaker:** One hour is left to my discretion. I do not think clause

by clause consideration will take any time.

**Some Hon. Members:** One hour.

**Some Hon. Members:** Half an hour.

**Mr. Speaker:** I would like to have suggestions from the House. How much time shall we take for general discussion, for the clauses. I would request Shri S. A. Dange to make suggestions.

**Shri Mohamed Imam (Chitaldrug):** The Bill and the amendments may be discussed together.

**Mr. Speaker:** For the third reading?

**Some Hon. Members:** One hour.

**Mr. Speaker:** Clause by clause consideration?

**Some Hon. Members:** One hour.

**Mr. Speaker:** Six hours for general discussion ...

**Some Hon. Members:** Seven hours.

**Mr. Speaker:** Seven hours for general discussion, one hour for clause by clause consideration and for third reading, one hour or half an hour at the discretion of the Speaker. Leaders of Groups will have half-an-hour.

**Shri S. A. Dange (Bombay City—Central):** Sir, the arguments put forward by the hon. Mover of the Bill are such that they do deserve very serious consideration. The arguments embrace matters of jurisprudence, a compliment to the Congress Party as to how the Anglo-Saxon jurisprudence is being repudiated by it, in favour of what may be called a Vedantic jurisprudence which should be harmonical with our traditions.

13-22 hrs.

[**MR. DEPUTY-SPEAKER** in the Chair.]

An argument has also been advanced and figures given how from year to year crime has decreased and that argument is used in order to show

[Shri S. A. Dange]

that a continuation of the Act is necessary in order to extinguish crime altogether. I want to put certain points before the hon. Minister so that he may reconsider his own arguments and his own position.

As regards jurisprudence and as regards the principle of the Bill, detention without trial, I will not go into all that abstract discussion. Because, as you know, some fifty yards from here, a very good abstract discussion on democracy is going on and we are trying to strengthen the commonwealth link through seminars on democracy, good lectures and so on. A very good link is being strengthened there. Whether Anglo-Saxon jurisprudence is overthrown or not, I do not know, especially when we sit in company with those who carried out the invasion of Egypt and with those who practise racialism in South Africa. Next door, I am told, the commonwealth link is being strengthened. I do not know what is going to be strengthened there with such people.

**An Hon. Member:** You are also represented there.

**Shri S. A. Dange:** I am not in favour of strengthening that sort of link.

I need not go into that abstract discussion because, if I go into it, I would be over-stepping the time limit and also over-stepping the purpose of the Act.

I will take first the argument that crime has been decreasing. The hon. Home Minister says, in the conditions in which we live, the extension of the Act is a necessity. The conditions he illustrates are; there is Ramanathapuram, some language controversy in Punjab, there has been Kharagpur, this that and so on. Somebody is trying to burn the photographs of Mahatma Gandhi, somebody is trying to burn the Constitution, somebody threatening to kill brahmans, and so on. He asks, if such are the terrific conditions in which the country finds itself, is it not necessary

that we should have the power of this Act and that it should be extended?

The simple reply to this is, that his argument itself shows that the Act is useless, ineffective and therefore, there is no necessity for its extension. Ramanathapuram took place, when? When the Preventive Detention Act was in full force, and had not expired. Punjab agitation took place, when? When the Preventive Detention Act was in full force and had not expired. Kharagpur took place, when? If these things took place when the Preventive Detention Act was in force and if the persistence of the Act on the statute-book could not prevent Ramanathapuram incidents, how can that argument be used in order to extend the Act which is unable to prevent these things happening? I cannot understand the logic. You say you want the Act in order to prevent murder. The same type of murder is already taking place and you cannot prevent it. How can you say that it is necessary to extend the Act by three years in order to prevent like murders in the future? It is total bankruptcy of logic, simple bankruptcy of logic.

**An Hon. Member:** Where?

**Shri S. A. Dange:** Bankruptcy of logic in your Benches. Where? I can tell you. Here is an Act. If in December the Act had expired, if in January, Ramanathapuram incidents took place and if the hon. Minister had come to the House in February and said, see, the Act expired, Ramanathapuram took place, let me renew it, I could understand there is some logic on the other side. Ramanathapuram took place in spite of the presence of the Preventive Detention Act. Yet, he says, it is so effective that crime is decreasing. And yet the conditions are so very serious that it must be extended. I do not know what it should be called, logic or something else. Therefore, I say that the prevailing conditions are no argument for the extension of the Act. The conditions prevail in spite of the Act and in spite of its most widespread

use, as the hon. Home Minister himself has said. Therefore, on this ground of the prevailing conditions in the country, there is no reason why the Act should be extended. But, the Act is being extended.

The question from my side should be, why is it being extended. The answer from our side is this: all those things which are to the distaste of the ruling party are to be prevented. By the application of this Act and nothing else. It has nothing to do with murders, with strikes, nothing to do with speculation, nothing to do with famines, nothing to do with demonstrations of the normal type, nothing to do with the ordinary political activity. This Act is required only to impose the decisions which they want to impose on people against the decisions of the majority, against the will of the majority, against the sentiment of the majority, by the Government side. Therefore, it is an Act against democracy, because when the majority of the people want a certain thing, they are prevented from getting it by the application of this Act, or by the application of this Act in such a way that the leaders of that movement are prevented from functioning in the interests of the majority of the people.

The hon. Mover said that this Bill has been moved in order to guard the liberties of the majority of the people at the hands of a minority. Let me give the latest illustration of the biggest application of the Preventive Detention Act. Therein, fortunately, I speak from personal experience. Whether some Members like it or not, I speak from personal experience because I was a victim of the Act only last year, in January 1956. I also know how that wonderful machinery of the Advisory Board functions because I had the good fortune to appear before an Advisory Board in which a retired judge sat. I know the way enquiry was made. I know the way in which I was sent back to jail. I know the way in which I was released later on. That experience tells me that the Preventive Detention Act is a measure of a single ruling party which

wants to impose its particular ideas of ruling this country, of the reconstitution of the country against the will even of a majority of the people in a given State or in a given moment. That is the object. It is not the question whether the principle is right or wrong. Apart from that discussion, I am saying that this Act is being used for the interests of a party, for wrong ideas, ideas against the interest of the majority of the people in a given State, and therefore this Act should not be extended.

In 1956, whose statistics are here, 38 Communists, 3 P. S. P., 4 Workers and Peasants' Party people and one ex-Congressman were detained. There was no Congressman. A nice category, a nice political category—an ex-Congressman. Perhaps he was arrested for the crime that he left the party and joined somebody else.

**Shri Sadhan Gupta:** Became an ex!

**Shri S. A. Dange:** You say you want the Act to continue because normal powers cannot be used. For what were they detained?—for preaching violence. Cannot preaching violence be prosecuted under the ordinary law? I should like the hon. Law Minister to tell me that. Is it necessary to have preventive detention? If a man is preaching violence, or making a speech that violence be committed, you can haul him under the ordinary law. Why is it necessary to have preventive detention and escape the obligation of giving him and giving the public the proper ground as to why he is being hauled up?

Another is for violent activities. Certainly an activity is an activity, a very objective truth. A man can be prosecuted and sentenced. Why do you not proceed under the ordinary law?—because violent activity is really not there at all but it exists only in the imagination of that political party which wants to suppress another party or a movement. Therefore, they do not want to use the ordinary law.

Then the third reason is "goonda—I do not know whether there

[Shri S. A. Dange] is a category in law as "goondaism", or whether in jurisprudence a new thing has been added as "goondaism" I do not know what it means. Of course, in Bombay our ex-Chief Minister was enamoured of this word "goondaism", and once I had to ask him: "What is the difference between an honest goonda who says he is a goonda, and a Minister who practises goondaism with the help of the police?" Why should not both be brought under the Preventive Detention Act?

I say this because I find that provocations have been caused by Ministers themselves in order to exercise either the Preventive Detention Act or to cause violent activities by excited masses.

This latest example to which I was referring was the example of Bombay State. The Congress Party took a decision that Bombay State should be either divided into three States or should be one bilingual State, but shall not be made into two independent, separate unilingual States, and that Bombay City shall not be given to Maharashtra. This was the decision arrived at by the Congress Party. Agreed. May be they thought it was right. What should have been done? The decision should have been brought before Parliament and an Act passed. No. Just before the decision was to be announced by the Prime Minister on the radio a number of leaders of the Communist Party were arrested and put into jail under the Preventive Detention Act, and one day later the Prime Minister goes and announces it, and two days later a general strike takes place and firing starts. Who provoked violent activities, if the activities were violent? Was it not the arrest of these leaders right in the City of Bombay a provocation when they knew that sentiments were running high, when they knew that all Maharashtra felt they should have a unilingual State with the City of Bombay? Why did they arrest these people beforehand?—because they knew that that decision was against the sentiments and the opinions of the majority of the people in Maharashtra.

He says it is a microscopic minority. That microscopic minority in Maharashtra has captured every municipal corporation in Maharashtra. That microscopic minority has defeated the Congress Party in the elections. If he is using the argument of elections, we in Maharashtra won the elections against them. Then, why this Act for Maharashtra?—to impose a decision on a party against the will of the majority of the people of Maharashtra and also on Gujarat. And they did this by using the Preventive Detention Act on the 14th January arresting all the Communist leaders.

Unfortunately I was in Delhi. Now you would think that Delhi was quite a safe place. I went to Bombay on the 18th January after the strike had started, after the firing had taken place—and I was arrested at the aerodrome under the Preventive Detention Act. At the aerodrome I was hauled up, and when I was taken to jail somebody tells me: "You know what your arrest has caused?" I asked: "What?" He said: "The strike was going to be called off this evening, but your arrest has prolonged the strike further and further disorders, as they call it, have taken place." Was it not a case of provocation, a deliberate provocation by the ruling Congress Party, and particularly by the Chief Minister at that time to suppress the Marathi people and the workers in Bombay City? And then they come round and say: "We want the Act in order to prevent violence".

Violence had not taken place on the 14th January. On the 14th January you arrested and by the use of your Act you created violence. That is my charge, that by the use of the Act you create conditions in which violence starts. I would submit sincerely to the Congress Party to consider this question, that by some of the enactments they provoke people into bad actions, or provoke people into taking serious actions. They should consider whether such enactments should be carried on.

Take for example, an enactment like the illegalisation of the burning of Mahatma Gandhi's photographs. I wonder if Mahatma Gandhi's spirit would have liked his photograph to be protected by the law of a legislature. He would have said: "If my photograph is not liked by somebody, let him burn it. No harm." If his devotees want to protect it, they should say: "I will frame it and you burn it. Let us have it out between ourselves." Instead of the devotees fighting for the photograph, the policeman and the enactment of a legislature come in to protect the photograph of Mahatma Gandhi,—and a copy of the Constitution, a Constitution which is being amended every third day.

About the Constitution and the procedures of this House, the hon. Speaker said the other day there that one has to consider about the functioning of our democracy, representing 400 millions. We have one-tenth as quorum and 50 Members are present. Twenty-six vote for and 24 against a measure. How these 26 people represent 400 millions is the problem for our democracy to solve. This is the functioning of our Parliament and our democracy that the hon. Speaker himself illustrated by this example in that "seminar.

Such is our functioning. Through this functioning we enact the Constitution and all that. Good. Let us have the Constitution, but supposing somebody wants to protest against it? Is there any law anywhere in any country against a person, if he does not like the Constitution, saying: "All right, I will burn it"?

Mahatma Gandhi burnt foreign cloth, he burnt this and that. The British came and arrested him. They asked him why. He simply said: "I do not like foreign cloth, and I burn it. That is all." How is it violence? How is this type of burning violence? If a man burns a house, then it is violence and certainly take action against him, but why should there be the Preventive Detention Act? Nobody announces his intention of burning a house. Here the man at least

announces the burning of the Constitution.

Certainly I do not like his killing the Brahmins or killing anybody, but that should be treated not on political grounds. Such pronouncements have to be treated sometimes pathologically, morally, philosophically, politically. One must go and argue and convince the people. You cannot simply wield the stick where millions are concerned, and no preventive detention acts are useful where millions are concerned. This Act is used not to protect the majority, but to protect the standpoint of a given party against the standpoint of millions of people, and as I was illustrating, the use of the Act in January 1956 was a deliberate provocation against the Maharashtra people.

If such is the use of the Act, do you think it is reasonable to continue it on the statute-book and extend it by three years? Because this movement is not going to be put down by the Preventive Detention Act certainly. No movement was ever stopped by the Preventive Detention Act, no movement was ever prevented from spreading by the use of the Act.

For example, these figures of failing crime are not due to the Act. Because certain parties who wanted to continue on a certain line changed their line, the thing vanished and the figures went down. It was not as if the Preventive Detention Act philosophically converted them simply to a different standpoint. No, it was not the Act. Therefore, the figures are useless, but the figures and the examples which we put before you are useful to tell you that the use of the Act is a provocative element. Its application is highly provocative. And when it works, how does it work?

We were told that this movement does not belong to the people. I have shown you. You can refer to the records, you can refer to the reports. It is a movement of the people, of the majority of the people. The best thing would be to change the law. No. They won't change their line, they would extend the Act in order that others shall not pursue the line. The

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extension of this Act by three or three hundred years is not going to prevent the course of the Marathi people from continuing their line. I can tell you that.

Then comes the question, you will say, "was it not violence we were trying to prevent?" Violence has taken place. The Marathi people demanded a straight enquiry into the firing. If you think that these people or their followers whom you arrested, committed violence why not enquire?

There was a certain shameless statement made here by a Member opposite that the Maharashtra people outraged the modesty of Gujarati women. The statement was not verified by the Government and was allowed to be spread in the press and the proceedings of this House. It should have been corrected not by Preventive Detention Act on the part of the Home Ministry. And what was proved later on. The Home Minister can go into the records of that very man who charged us of these crimes and for which we were detained through this Preventive Detention Act. We have got the records that the Member who made this allegation himself was once convicted for the crime of rape. You talk of morals about us. Why not talk of morals of members of the ruling party? And, they come round and say that we were committing violence. If the facts are wanted they are published in the Marathi press. Records are there, judgments are there. The Congress Party did not expel that Member from their party but charges us about immoral crimes and such other things. But, they do not keep records of their membership. They are very careful about our records, of Members on this side of the House. Therefore, we know how the Preventive Detention Act works.

**Mr. Deputy Speaker:** It appears that each party keeps record of the other party

**Shri S. A. Dange:** They keep more records. We also sometimes get their records.

Coming to the question of the use of this advisory machinery. I was there before it. The judge was very nice. His other Assistants were very nice. I know all of them because they were in the Tribunals and various other Boards. What was the thing they asked me when I appeared before them? They asked me, "What can we ask you?" I said "Whatever you please". They said, "Do you stand for Samyukta Maharashtra?" I said "I do". They said, "Do you want Bombay City?" I said "Yes, sir. I do." "But the Parliament does not want it", they said. I replied "The Parliament is misinformed." I was then asked "What do you propose to do?" "I will agitate for it". They said, "Very good." They had other discussions. Police records were called for. They called two police officers to give evidence in my absence. I was not allowed to cross-examine the police officers who made the report. Later on I found that I was an undesirable thing and I should live in Dhana Jail perpetually. This is the way the Advisory Board functions.

The statistics show that out of the arrests made 17 were released by the Board and later on when we went to the High Court there was panic in the police ranks because the High Court found that many of these arrests were irregular. Grounds of detention had not been furnished. There was total anarchy. But the police found that times were very hard. They were so overworked with shooting that they could not produce proper grounds. The High Court was not satisfied and released some ten or fifteen people. Finding that the High Court was taking note of these things, Government started releasing us. Therefore, you get this large number that was also released "suo moto". Very wonderful Government! Not until High Court proved that these detentions were wrong the Ministry woke up and people were released. Is that the way in which this Act is to function? Is that the value of the Advisory Board?

I can cite one case for the attention of the Minister. There was one-day protest strike in Bombay Transport. The leaders were arrested and detained for full 364 days. One day strike, after which nothing happened; but the Minister insisted on keeping them in jail, because the gentleman who presided over the affairs of Bombay at that time was of a very vengeful, petty, mean mentality. He thought he could prevent that one-day strike. He failed. So the promoters of the strike were detained for full 364 days. If this is the type of mentality that is going to operate the Preventive Detention Act, it will not prevent, but promote what you want to prevent. It is, the governmental agencies that will incite people to do certain things. There is more and more tendency to such lawless laws being enacted, or if there are certain laws which are already there, to have more recourse to their use.

To give you another illustration. A monument of Shivaji was going to be erected on one of the forts in Maharashtra. Our Prime Minister was going to open it. The Ex-Chief Minister of Bombay State had written certain wrong things about Shivaji which he is not prepared to retract in spite of the assurance given for him that he has retracted. I make bold to say that he has not retracted. Now, the monument was a private affair. No doubt the Prime Minister was to open it. But, because a certain Minister opens a certain thing it does not become a State function; it does not become a law for everyone for the matter of that. One may agree or disagree with the Prime Minister, one may revere the Prime Minister or one may not like him. That is everyone's democratic right. What happened when I took twenty thousand people along with my other friends to march to that fort? You wanted the monument not because you revere Shivaji but because you have woken up to find that the people are demanding that you revise your opinions about him. We said you are not the

man who should open that monument. Our ground was simply this. You are Prime Minister, you are great. He, Shivaji, was a great man. Now two great men certainly should come together. No objection. But Shivaji was the founder of the Maharashtra State and the Prime Minister was the man who out-voted the State. Therefore, I say you have no moral right to open his monument. Therefore, I went to tell my Marathi people "do not attend this function". There was no question of violence. There was no question of breaking his meeting. They utilised one thousand trucks in order to take sixty thousand people for the purpose of that function. They knew, if left to themselves, the people would not walk a hundred miles, Nehru or no Nehru. Despite their love for Panditji and Shivaji twenty thousand volunteers on our side walked on foot from villages in order to tell Panditji "You are using the monument for strengthening up bilingual State." The other party will say that sixty thousand of Maharashtrians came to pay homage to Shivaji and Panditji, and therefore, they stand by Pt. Nehru. Very good. If you use that occasion for supporting the bilingual issue, I want to protest. Why should not I be allowed the right to protest? Panditji was going to come on the 30th November and we were marching on the road on 29th November morning. On 29th we were prevented from walking along that road. The police came and said "you cannot go ahead". I said, "why not?" Is that the royal road-way where only the king can go? On what ground do you stop us? They said, "ground or no ground, you cannot go ahead." I said "Under what Act you stop us?". He said "some Police Act, I do not know which." He turned to the other police officer "which section do you use here?". The other man said, "It is, I think, Section 39 of the Police Act". I asked "Is that Sec. 39?". He said, "It may be Section 69, 70 or 71. You are going to be stopped. We have wide powers for preventing you from walking. You cannot go in that

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direction." It was our restraint that we did not break the order. It was our restraint that we did not send people down to that meeting where Panditji was carrying one thousand trucks and sixty thousand people.

At a latter stage we were told "This is a national function. Why don't you join us?" I said, "If we are going to be stopped at the gate, what does it mean joining you?" They said, "Join us without demonstration" We said, "This 20,000 will join, but let us discuss" Before we could discuss, we were hauled up under the Police Act—by wide powers under the Police Act. If those wide powers under the Police Act were capable of preventing me and 20,000 men from walking towards Pratapgarh, why is this Preventive Detention Act necessary?

An hon. Member For 100 people

Shri S. A. Dange: For 4 M P's and 100 M L As who were present there It is said that Members of Parliament inherit the dignity of the British House of Commons. We certainly do inherit the rulings, but we do not know whether we inherit the dignity. What is the dignity? Can you understand a British M P being stopped from walking towards even 10 Downing Street? That won't be understood in Great Britain. That won't be understood in France or elsewhere. What is this talk of parliamentary democracy, what is the right of an M. P? Does it mean that 4 or 5 Members are not allowed to go that way because the next day at 11 o'clock Panditji was going that way? We were not going to prevent Panditji going that way? We did not prevent it the next day. He marched that way and he marched in quite a cool manner. Certainly, we were also in a quite cool manner. All the arches raised in the streets were intact; not one flower was destroyed, not one stone was thrown. He walked peace-

fully and we also gave our slogans and said, 'we disagree with you'. This was our discipline. But, what was the discipline on the other side? One-thousand trucks and 60 thousand people.

This is the way in which democracy is functioning. I am giving an illustration of the way in which it is functioning. Provocation was not on our side. It was on the side of Congressmen and Government. Handbills were printed that there was a conspiracy by Brahmins and they were going to kill Panditji and therefore come to Pratapgarh to save Panditji. Such a provocation was prepared against us so that we should be involved into some bad affairs. These handbills and pamphlets were distributed by the Government buses. These were distributed in Government publicity vans in the district of Satara. When we told the Government they said 'Give us the number'. There is no mechanism in photography whereby we can show the number and date of a pamphlet that is being distributed from a van. No figures were given after that. We were told that Panditji was sought to be murdered, and they were taking action. Nobody can dare to take any dastardly action against Panditji. Whether we may agree or disagree on any question with Panditji, everyone would defend against any attack the Prime Minister of this country as he is today. We would give them that assurance. We were prevented, but those who were shady inheritors of the killing of Mahatma Gandhi have been welded into the Congress party and welcomed. They were being sheltered by the Government there. Those who did that in 1948, their inheritors were with your Government and we who stand by certain policies even though disagreeing with certain others, were prevented at the cost of our own lives from marching that way because the next day Panditji was going by that road. Is it the way of the functioning of democracy? We are not going to accept that way. I

would say consider the way in which the whole thing is developed. Consider the way in which it is being worked and consider whether all this is necessary.

We have wide police powers, wide prosecution powers at present existing. Why don't you come before the court of law and arrest me. I am not running away. Try me; if I am wrong sentence me. I have done 16 years in jail so far and I am prepared to give you 4 more years, if necessary, 4 years more at the end of my life. Why is this Act necessary? We have not avoided the consequences of our action. No; they won't have it that way; they will not enquire into the police firings; they will take action against the will of the people; in order to impose on it they will arrest people without a warrant under the Act. And when preventive detentions start, and strikes take place, they say, here strikes have taken place, and so we use this Act. See the way in which the police functions, the way in which the grounds of detention are given in the first instance; all this is a farce because the Act is made to serve as an instrument of a single party to impose its will, its own dictatorship on others. That is all. If that were not so, this would be unnecessary.

We have got enough powers to carry on; even for the imposition of those things which other people do not like. Therefore, I would plead with the hon. Minister to reconsider the question whether this is at all necessary, whether the things which he wants to prevent by the Act—some of those things ought to be prevented, as for example, the burning of Mahatmaji's photographs, or the burning of copies of the Constitution (that is my personal opinion)—can only be prevented by this Act. There is no need for that. Certainly, if a man is intending to kill another, you cannot prevent it by this Act. Nobody can know the intention of another. Think of those hand-grenades that were being thrown in

Delhi in the meetings addressed by Pandit Jawaharlal Nehru. I am yet to see a man detained under preventive detention for that act or a proper prosecution taking place. The Government had to transfer even some Police officers and ranks in order to prevent that. This is the condition which the hon. Minister depicts and wants to eliminate by the use of this Act.

That condition cannot be changed by the use of this Act, by the extension of this Act. That condition cannot be changed without proper measures in consonance with people's will being taken. Through you I would request the Congress people to scan the list of those detained. Do you know that when a debate was taking place here about hoarding some of the rice mill owners in certain places were hoarding rice, sending rates higher, causing starvation in certain towns and villages? Have you got a single person detained under the Preventive Detention Act for hoarding rice against the interests of the people?

**Shri Naushir Bharucha:** They are congressmen.

**Shri S. A. Dange:** Have you got a single case of a speculator in shady dealings on the Stock Exchange causing a crisis in the market, causing difficulties in balance of payments so that we are forced to cut down this scheme and that scheme and rendering thousands of people unemployed being so detained? Is that not a serious social crime? That is not listed as a social crime; it is normal capitalist activity on the Stock Exchange, resulting in the normal closure of mills, resulting in the normal unemployment, normal starvation and normal death. How is the originator of such activity to be dealt with by the Preventive Detention Act, how is the originator of hoarding of rice in the rice mills to be detained under the Preventive Detention Act? All these activities are normal activities of a normal businessman! But if a

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worker strikes, then his activity is abnormal; if he leads a demonstration to the Minister's house, it is abnormal and the Preventive Detention Act must be used in order to prevent that man from marching there. Is that the way in which you are going to have values of running this democracy?

If that is the value in which it is going to be run, then, these Acts are not going to save democracy from being worse and worse. A majority in Parliament is not necessarily the sanction that everything that it does is necessarily valid and good. Therefore, I would request the hon. Minister to reconsider the whole question from the point of view of having a really good democracy running in our country, really preventing anti-social activities, really protecting the lives of the people and allowing all parties to co-operate in the development of our economy.

But the Act is not used against those who prevent the development of economy. In fact, those who prevent it sometimes become better Ministers than before. But those who really wish the development of economy are sent into the opposition purposely with malice, with vengeance. The demands of people are not granted and when people protest, this Act comes. What are you preventing?

You are not even preventing the collapse of the party rule which you want to adopt. The reduction in the figures of arrests does not show anything. As I told you please do not be exhilarated by these figures. Please show consideration to what the people are thinking whether in Punjab or Bengal or Maharashtra or in Gujarat. Even in Punjab, this thing cannot be prevented by the use of this Act, and the way in which you go on. I do not want to go into details.

This Act does not apply to Kashmir. It is rather a ticklish question.

Certainly we are having trouble in Kashmir. Certainly, the policies that this Government is following in regard to Kashmir are quite correct. I support them. But certainly we ought to consider whether a man should be kept in detention for four years. If it is wrong, then take him out of Kashmir and let him go out. Keep him in Bihar or in the Home Minister's own supervision in Lucknow or Allahabad. Let him have his liberty.

14. hrs.

Are we not strong enough to prevent 'one man destroying the whole State? If you think he is wrong? But detention for four or five years loses all its value, and it strengthens that tendency against that very policy which is the correct policy. Therefore, preventive detention will recoil on itself. Not that I support the view that Sheik Abdullah took long ago. I think he was wrong in that, but there is no reason why four years' detention should be given. One year perhaps we might give, and say you prevented thereby the debacle of Kashmir or whatever it was—but, I do not discuss the affairs of that State. But then, may I suggest, is this an illustration of the way in which we all of us are trying to think? Are we, by imposition and continuance of this Act, really developing a normal, good democracy? Please put that question. I would say, No, you are not developing it. Therefore, please do not extend the Act".

Pandit K. C. Sharma (Hapur): I have very attentively listened to the arguments that the hon. Members, the Leader of the Opposition made. I am very much pained to find this observations not against logic, and reason but even against public decency. I am yet to find an example in the modern democratic State where a Minister of State goes to unveil a statue of one who is called historically a liberator of his people, and some men to denounce the Minister, by standing on the street and saying

"No, you will not unveil the statue". Such an action is not only against the spirit of law and democracy but something more. I beg to submit it is against human decency.

No State can exist where a responsible Member of Parliament, and for the matter of that, a leader of the party, can take to such a course of action. It offends against the very principle of human decency. Where human decency does not exist, the law does not come in, and no State exists, and where the State does not exist, where comes the democracy? What is the majesty of law, what is the normal way of living decently as a citizen ought to? But here is a case where a man has enjoyed the privilege of having been or being a representative of the people without being a citizen at all! A citizen must stand by the letter and the spirit of law.

What is the sanction for the State? How is a State made? The State is not made by the colour of the people. The State is not made by the race of the people, nor is a modern State made by the bond of religion, language and many other things that were important in the 17th and 18th centuries. The modern State is based on the norm of the legal order. It is the law that makes a State a modern State. If the majesty of law is not respected, the State does not exist.

Shri S. A. Dange: What is the law and the statute?

Pandit K. C. Sharma: What is the law? You shall have to answer. Nonetheless, what is law? Law is, the supreme law of the land is, the Constitution and a citizen has to obey the laws made thereunder.

Shri S. A. Dange: Where is the law about the Prime Minister unveiling a statue and somebody else being prevented from protesting against it? May I know that law? Where is the law?

Pandit K. C. Sharma: You will understand. Law is, sanctified, decent behaviour of man. If a man does not behave decently, he is not a citizen.

Mr. Deputy-Chairman: The hon. Member shall continue to address the Chair.

Pandit K. C. Sharma: All right I beg to submit that even the law requires certain minimum standards of decency on the part of the people, so that the letter and the spirit of the law may be accepted for working and for acting as a guidance for the citizen.

Shri S. A. Dange: Will he expel an indecent Member from his party according to the law of decency?

Pandit K. C. Sharma: That is not the question.

Shri S. A. Dange: Why not?

Pandit K. C. Sharma: The hon. Member is standing by what he has done. He should see what others have done.

First, let us look into this question. So far as the principle of the Act is concerned, I do not know that there is any doubt whatsoever so far as jurisprudence is concerned. For the matter of that, the law of prevention of a crime has long been recognised. Regarding that, there are sections in the Criminal Procedure Code. Section 106A deals with violent speeches or publication and Section 110E mentions "habitually commits or attempts to commit or abets the commission of an offence involving breach of the peace" and (f) mentions "is so desperate and dangerous as to render them being at large without security to the community". Section 117(4) enjoys the evidence of general repute. The person can be asked to provide the bond and can be kept inside the jail for his misbehaviour. Of course, he can provide the security bond.

Take the practical side of these two provisions, that is, sections 106 and 110 of the Criminal Procedure Code. These are in relation to the Bill under discussion. Generally two

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classes of people are put under the Preventive Detention Act, and those who would not like to give any security bond would naturally have to remain inside the jail for a number of years. If a man is kept inside the jail under section 110 of the Criminal Procedure Code, he loses much more of his reputation as a citizen than if he were kept inside under the Preventive Detention Act. They may say that remaining in the jail is the same, but under the Preventive Detention Act, the man is given greater opportunity to prove his innocence, because a better machinery is provided than if he were to come under section 110. He will have the right to cross-examine but then what is that cross-examination? It is just as in a summons case, and he can cross-examine only once which is in practice is not much helpful.

Then what is the sort of evidence that would be given? It is evidence of general reputation, and not of the commission of a particular act. So, in substance, there is not much difference between the two. But, on the other hand, the Preventive Detention Act is a better law than section 110 of the Criminal Procedure Code. Section 110 of the Criminal Procedure Code—sub-sections (E) and (F) have not been objected to by any of the Communist Members or the leader of that party.

Then the question arises whether there is any political expediency. Is there any warrant whatsoever in the history of political organisations that such an Act should be on the statute-book? My respectful submission is this. What Shri Dange says is, neither there is a particular contingency nor is there any extraordinary happening that has taken place during recent years radical changes in the social and political structure of the society or in the economic way of living have taken place and they are yet taking place. The law must provide powers to meet the situation created by the

changes. Take, for instance, England under Oliver Cromwell. Drastic measures had to be taken because people, whose interest was affected, were likely to rise in revolt. The same thing happened during the French Revolution in 1789. The French revolutionary leader Robespierre was the worst hater of law. He was the man who stood for what is today called administrative law. He did not like the long procedure of the court of law. Why? Because, changes were taking place in the social structure, in political machinery and economic way of living and those whose interests were affected, they had to rise in revolt. They had to raise their voice. Therefore, extraordinary measures were taken.

Now, coming to the heaven of their dream Russia, what happened there during the revolution? Lots of people were thrown into the jail and many were murdered. Did they take them to the regular courts of law? Were they permitted to employ lawyers? Were they permitted to place their case as an ordinary citizen does? No. But I do not think that the communist people acted in a way which was inhumanly cruel. Whether inhuman or human, whether desirable or undesirable, the way of life they wanted to adopt necessitated the sort of action that they took. Because, law can play its part only when procedure would be acted upon.

Now, what are the primary obligations of the Constitution? What is the primary obligation of a citizen with regard to the Constitution or, for that matter, with regard to the State? The primary obligation is to stand by the letter and the spirit of the law. Because, it is the law that creates the modern State. Unless the majesty of the law stand, the State does not come into existence. How are States created? They are not created by the type of colour one person has or the race of one person or

because he lives in a certain city. Not that. As you know, Pakistan has two parts. There is an eastern part and a western part. They are not contiguous. What is the binding force? What created the Pakistan State? The same norm, the same legal order. Unless the legal order exists, the State does not come into existence.

Now, take the case of Punjab. What is the Hindi agitation? A child has the right to read in the language—which is his mother tongue. Suppose a State does not permit that. His father can go to the Supreme Court and claim his right. What is it that entitles a number of hundreds of people to go on the road and make a hue and cry? Why should they hinder the work of the Legislative Assembly? What is the necessity for such sort of action? It is certainly not legal. It cuts at the very root of democracy. It cuts at the very root of the State. It cuts at the very root of decent way of living.

There are the judges of the highest tribunal here, the final arbiters of the peoples' rights. Why don't they go to them? Why should they resort to this agitation? Why don't they claim their right from the court of justice? Then it is called satyagraha. Satyagraha is a moral and ethical conception of action. How can the rowdies collecting thousands of people, defying the law and standing in the way of performance of legal obligations of the State machinery be called an ethical act, I fail to understand. It is a simple question.

Our people are yet to learn the primary obligation of being a citizen. The primary obligation is to obey the law. Other things come afterwards. Here my friends want employment. At the same time, you collect 20,000 people to say to a Minister you cannot unveil the Statue of Shivaji. How can employment be created when ordinary decencies of good behaviour of a citizen do not exist? How can you expect a mill to be run, when

you do not allow the mill manager to go to the office to work? Examine your own conduct in the light of what you expect others to do.

**Shri Braj Raj Singh (Firozabad):** Gandhiji must be repenting for you in heaven!

**Mr. Deputy-Speaker:** The hon. Speaker has ruled that these interruptions would be taken into consideration for calculation of time. At least, they would lose the priorities that they otherwise would get.

**Pandit K. C. Sharma:** The third question is whether, under the present condition, it will serve any useful purpose or it is a useless measure. My friend, Mr. Dange, has advanced the argument: well, despite the Preventive Detention Act, certain things have taken place and if they take place despite this law being in existence, then it is useless. Well, it is just like an argument that if people are good, they behave well. So laws are unnecessary. If they are bad, they do not behave well. Then also, the law does not work because they would defy the law. Therefore, in that case too, law is unnecessary. Therefore, it is no use making a law and it is no use constructing any machinery which you call the government or the political organisation. If this sort of argument is to be accepted as to have validity enough to do away with the measure that we are considering, then as well you may say that a citizen is born, he lives, nothing happens; then he dies. So, if he dies, well he dies. So, what is the use of having been born? If a man does some thing even then he dies and if he does nothing, then too he dies; then life is useless. Therefore, the very existence, that is, the human being coming to this earth is a useless thing and life is itself meaningless.

But it is not logic. There is such a thing as the logico meaning, the interpretation of social laws and human life. Human behaviour has to be taken into account as a normal

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function of life itself and what factors would affect him and guide him to certain action or keep him from doing certain things that he otherwise would have done.

This is a long story. This is itself a science under which laws are made, they are enforced, governments are made and governments function. Taking that view into consideration, I beg to submit that situated as we are this law, that is the Preventive Detention Act, may for the good of the people be continued, and it will not do any harm either to the spirit of the law or the function of the law. I think it may do good and, God willing—man willing, of course, much more—we would be able to overcome certain phases of our life which are nothing extraordinary; they necessarily happen; because, a new state has come, a new social order is being brought in. For new Social Order and new economic way of thinking and the new measures being adopted, certain people revolt, and they revolt sometimes violently.

So it is much better to prevent the disturbances rather than let the disturbances come, play their part, disturb the peace and normal working and later on prosecute the people and convict them. Prevention is a much better way of doing things rather than convicting people later and sending them to jail for a longer time.

Sir, I am thankful to you for the opportunity you have given me to speak on this occasion.

**Shri Naushir Bharucha:** Mr. Deputy-Speaker, I rise to oppose this Bill which is nothing short of negation of liberty, negation of democracy and negation of the rule of law. This Bill is based on principles that are repugnant to the sense of natural justice and they are a bolt on the Constitution. They are based on the fact that the normal administration of

justice and police has failed. A measure of this type could have been justified only in the gravest of crisis where the security of the State is threatened by external aggression.

We feel that, apart from these defects, this Bill is intended to be used against political parties, particularly the Communist Party. I am not in love with the communist philosophy of life. But even a communist is entitled to justice.

May I also point out that a publication on the Preventive Detention Act, issued under the authority of the Congress Party in the Parliament of India, has this one significant paragraph:

"It is said that never in the history of Britain, not even when the pattern of Britain has changed, or when France had fallen, or when Belgium was overrun, or when Flanders had been occupied and Dunkirk captured, such a piece of legislation could be enacted."

Then the writer says:

"True it is, in England which is a democratic country, there is no Preventive Detention Act, but are there any communalists in England? Certainly not."

That is the philosophy on which this Preventive Detention Act is based. This booklet is published under the authority of the Congress Party in the Parliament of India, and you must accept it as the official expression for the reason.....

An Hon. Member: No.

**Shri Naushir Bharucha:** The Congress Party's.

**Shri Heda (Nizamabad):** It is only talking point.

**Shri Naushir Bharucha:** To my mind there is no parallel to the principles underlying this Act unless we

go to legislation such as the Bill of Attainder or perhaps the Preventive Detention Act of Kashmir. What type of legislation are we going to perpetuate for the next three years?

Under the existing Preventive Detention Act a person can be detained by a detention order which may be made even by a Commissioner of Police who, naturally, not knowing the fact of the case, will rely upon the reports of subordinate police officers like sub-inspectors. Under the Act, once a man is arrested, within five days the grounds of detention must be furnished to him and within twelve days Government must confirm the detention. It may be said that there are so many safeguards—the very fact that the grounds of detention should be furnished to the detenu, the very fact that the Government confirms that order, the fact that the Advisory Board takes cognizance of it within thirty days. I submit respectfully that all these safeguards, one and all of them, are completely illusory.

What is the sense in saying that the Government confirms it, when we know that the majority of the orders are made at the instance of the Government? Will they say they will not confirm their own order? Is that a safeguard?

Then again, it has been said that the matter is referred to the Board. But what material has the Board got? The grounds are such that the Board cannot go into the truth of the allegations. That is the first point. Even when the preventive detention order is made, section 3 of the Act lays down "if the Government or an officer is satisfied....". 'Satisfied' means subjective satisfaction. Law courts have pronounced that it is a question of subjective satisfaction of that particular officer. If for instance the officer gives a ground like this, that Mr. A has grown a beard so that he could conceal a revolver behind it, even that cannot be challenged in a court of law. To such a ridiculous extent jurisprudence has been reduced. This High Court even has certain-

ly no power to judge on merits, if the hon. Minister today says that Mr. A or myself, intended to murder police officers. These are the common grounds which are alleged. I cannot bring any defence that I did not intend to do it. The High Court will say, "We have no right to go into whether you really intended to murder police officers or did not". So what is the use of saying that there is the safeguard of the Advisory Board or the safeguard of the court of law?

Let it be known also that before the Advisory Board, as my hon. friend Shri Dange just now pointed out, nobody can ask anything to any complainant making an allegation, face to face. He is not brought there. Behind the back of the detenu the evidence is recorded. I do not even know who is it that has given this information that I am designing the murders of police officers. Therefore, to say that the Advisory Board is a safeguard is merely to make a mockery of administration of justice.

Also, let us to see what are the wide, extraordinary powers given under this particular Act. In the first place, let it be known that this is applicable to the whole of India and partially to Kashmir. If it is a question of the Defence of India, then the Act applies; if it is in relation with foreign powers, the Act applies; if it is the security of India, the Act applies; if it is the security of the State, the Act applies. I have not been able to understand the difference between the security of India and the security of the State, because the State here means India. Then, maintenance of public order. Under this anything can be brought. Even if secondary teachers hold a conference to press for better conditions of living, this law can be applied; the Preventive Detention law can be applied to them. Why? The Police can say, "Your conference is likely to create public disorder." Maintenance of public order has nowhere been defined. It is such a vast subject. Maintenance of public order is such a vast

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subject that any act, however innocent, can be brought within the purview of its mischief. This point is in my mind. I shall refer to it at the end of my speech and I shall emphasise it. The Act is all-embracing, territorially it is all embracing, the safeguards that are mentioned there are completely illusory.

It might interest this House to know how actually the Act is being implemented. I shall give an instance which I personally know I filed habeas corpus application in the Bombay High Court on behalf of two detainees. One was a mill worker and the other was a student. The Police Commissioner, I think it was the Police Commissioner or some high officer from the police department, swore to certain facts, that these people were conspiring to murder police officers. But, it so happened that on the facts so far as the student was concerned, on the top, the name of the mill hand was mentioned and on the facts so far as the mill worker was concerned, on the top the name of the student was mentioned. What I desire to point out is, a Police Commissioner who swears an affidavit does not even stop to consider whether the facts of one man are wrongly tacked on to the affidavit of the other. On that ground and on the ground that the Police Commissioner acted outside his jurisdiction, purely technical grounds, I was able to obtain the release of these persons.

What I am trying to point out is this. When people talk of a responsible person like the Police Commissioner passing the order or when they talk of the State confirming the detention order, what precaution do these authorities take? Were it not for the accident that wrong allegations were made against wrong names, which would not have occurred if these people had applied their minds to the facts of the case, what might have been the result? Were it not for that accident, the man would

have lingered in the jail. I ask the House, if these are the facts, if the Police Commissioner in his affidavit makes such false statements—I do not say that he deliberately makes them; it is a mistake; he has not the time to look into it, is it still a matter of subjective satisfaction? If the Police Commissioner applies his mind to the facts of the case, the High Court is completely helpless. This is what is happening. After all, who will make the order? It is a petty officer who starts the whole proceedings.

Let us understand the full significance of what is being done here. It means that nobody's liberty is safe. It is not as if only in cases of violence it will be applied. It is wrong to say, as the hon. Home Minister put it, that we cannot permit a few, a microscopic minority to threaten the peaceful existence of the nation. Not that Even in matters unconnected with violence, the Act may be applied I cannot even hold a conference. If the Police Commissioner thinks that my conference is going to create a disturbance, I cannot hold the most innocent type of conference. Therefore, what I want the people to appreciate is that the Act is not confined to murder or this and that grave offence, but the entire activity of the human being is subjected to preventive detention legislation.

I desire to take this House back 38 years when, in this country the Rowlatt Act was enacted. In 1919, the Rowlatt Act was enacted. The whole country was thrown into convulsion then. But when compared to the Preventive Detention Act, I say that the Rowlatt Act was an innocent statute. I will tell you why. The Rowlatt Act was intended to suppress revolutionary murders, that was an Act intended to suppress anarchy. It was not made applicable to the whole of India, as the Preventive Detention Act is made applicable. It was made applicable only to scheduled areas or declared areas, and then only if the Government said that anarchical crimes were prevalent to

such an extent that it made normal administration of justice impossible.

Therefore, the difference is, in that case, in the scheduled areas, the Act was made applicable; but in this case, the whole country, as if there is anarchical crime in the whole of the country. Only scheduled offences were mentioned, only in respect of certain sections of the Penal Code, the Rowlatt Act was applied. Here, for anything under the Sun, Preventive Detention Act applies! May I point out also, in the Rowlatt Act, a regular trial was provided. It is true that there were no jurors there. But a trial by three High Court Judges was held. The man was not kept under detention without trial.

Even though there were such redeeming features, what was the criticism of that Act. I took them from the Hansards of the Imperial Legislative Council. The hon. Vithalbhai Patel said:

"I was, I might state, surprised that the Government have thought it proper to introduce the measure at this juncture. It is one of those blunders which a Government not responsible to the people is likely to commit in a moment of excitement."

That was a criticism of the Rowlatt Act which is far milder than the Preventive Detention Act.

Dr. Sunrendra Nath Banerjee said that the provisions constitute a peril to the sacred rights of personal liberty. How much more is this a peril to the sacred rights of personal liberty, I ask. Mr. Jinnah said:

"To any man who believes in law and justice, these measures are abhorrent and shocking. It is the most fundamental principle of law and justice that no man should lose his liberty without a judicial trial and in accordance with the accepted rules of justice."

Then, Pandit Madan Mohan Malaviya said:

"This is a grave departure in principle from the rules which have been hitherto laid down for trials of offences."

The procedure alone was altered but the right of trial was not taken away under the Rowlatt Act. Yet, today, preventive detention measures, in times of peace enacts these unheard of things.

In England, in 1940, when France fell, when the incidents at Dunkirk were happening, when, at any moment there was peril of an invasion of the island itself, when espionage was rampant on such a large scale, in Britain, there was no Preventive Detention Act. It could have been justified then. I would have justified it if our country was threatened by external aggression. What has happened? In peaceful times, if this Government and the Governments of the State cannot take care of 100 persons who are confined, if the police is so helpless and ineffective that it cannot restrain the revolutionary or anarchical or violent activities of only 100 men, I say you are not a worthy Government that should be in power. You must get out; you do not know how to administer the law.

Mr. Deputy-Speaker: Am I?

Shri Naushir Bharucha: I beg your pardon; I mean the Government. I tell this Government that this Government does not know how to administer the law.

In Bombay State alone, we pay Rs. 10 crores for the police administration. I believe, the entire police administration of the country costs Rs. 150 crores with other measures. If with the expenditure of this sum, the Government cannot prevent 100 men from resorting to some anarchical activities, I say, the administration of the country deserves to be scrapped completely. I ask this House . . .

An Hon. Member: Introduce anarchy

**Shri Naushir Bharucha:** My friend says, introduce anarchy. We have not repealed the Indian Penal Code; we have not repealed the Criminal Procedure Code. Can anybody point out to me any offence under the Preventive Detention Act which cannot be brought under the Penal Code?

**Pandit Thakur Das Bhargava (Hisar):** In spite of these Acts, offences are being committed and yet repeal of these acts is not being urged.

**Shri Naushir Bharucha:** If offences are committed, that is an argument for strengthening and for having a more efficient police force. What is the use of saying, in spite of these Acts, offences are being committed? Offences are being committed daily. Therefore, is that a ground for taking away the right of trial of the people, or is that a ground for having a more efficient police administration? If I had a choice to elect between two evils, whether I would have the Rowlatt Act or the Preventive Detention Act, with folded hands I would appeal to them; please give me the Rowlatt Act.

**Shri Sh. S. S. S. (Jagjivan):** अब हमें यह देखना चाहिये कि हमारे इस देश में जिसकी कि जनसंस्था करीब ३८ करोड़ के है वहा पर १-१-५६ मे ३०-६-५७ तक किन्तु आदमों डिटेनेशन में थे और किन्तु को के मामले में विचार किया गया है, यह आपको संटमेट को पहने में पता चल सकता है।

Number of cases in which detention orders were made during the period 1-11-56 to 30-9-57 with a view to preventing persons from acting in any manner prejudicial to the defence of

India the relations of India with a foreign Power or the security of India.

इस ब्लाज को पढ़ने के बाद आप देखेंगे कि इसमें जिन प्रवेशों का उल्लेख किया गया है उस उल्लेख के मुताबिक करीब करीब हमारे पांच पर Number of persons detained during the eleven months including those already in detention on 31-10-56 was 43.

अब उसके साथ ही साथ हमें यह भी देखना पड़ेगा कि These persons include seven persons; one in Bihar, 8 in Bombay, 2 in Punjab, one West Bengal and one Tripura 56.

इन सारी चीजों को देखने के बाद हमारे माननीय मदस्य ने जो यह कहा कि यह जो हमारे एंडवाइजरी रोड्स है यह भीकेरी है, तो मैं उनमें इसमें सहमत नहीं हूँ। आतिर जो एंडवाइजरी बोर्ड है उनमें हाईकोर्ट के जजें हैं और जजें बैठ कर फैसला करते हैं और इनका निण्य करने हैं कि अमुक आदमी को डिटेन किया जाय अथवा नहीं और यदि वह यह समझते हैं कि उस आदमी को डिटेन न किया जाय तो उसको डिटेन नहीं किया जाता है।

इसके अतिरिक्त यदि विरोधी पक्ष के माननीय मदस्यों का यह व्याप्त हो कि यह प्रबंधित डिटेनेशन एक्ट कांग्रेस के अतिरिक्त विभिन्न राजनीतिक दलों को जैसे साम्यवादी दल, प्रजा समाजवादी दल, हिन्दू महाममा, राष्ट्रीय स्वयंसेवक संघ या जन संघ आदि को दबाने के लिये बनाये रखा जा रहा है, तो मैं कहूँगा कि उसका व्याप्त करना ठीक नहीं है। यह कानून तो बास्तव में ऐसे अनन्योंसम एलिमेंट्स की ओर में रखने के लिये रखा जा रहा है और कि हमारे देश और समाज की प्रमत्ति के मार्ग

में बाबत सिद्ध हो रहे हैं। आज अमान्यवश हमारे देश में अताजक तत्व विरुद्धमान है और अभी भौति विन दूसे जब हमारी एक रेखांशी पट्टी से उलट गई क्योंकि फिल प्लेट निकाल दी गई थी। इसके अतिरिक्त में आपसे पूछना चाहिंगा कि हम में से कौन ऐसा है जो यह बदाइत करेगा कि जो संविधान हमने बनाया है उसको बलाया आय और हमारे उस नेशनल पर्लेंग का जिसके नीचे कि हम सब लोगों ने कंधे में कंधा मिला कर आजादी की लड़ाई लड़ी और कुर्बानियां दी, उमका मरेगाम अपमान किया आय और उसको जलाया आय। जब हमारे सामने ऐसी परिस्थितियां पेश हों तो अगर सरकार इस डिटेंशन ऐक्ट की मियाद तीन वर्ष के बढ़ाने के लिये आगे आये तो में समझता हूं कि इसमें कोई भी गमत बात नहीं है।

पहले पहल यह विन १६५० में नाया गया था और आज सन् १६५७ में वह काफी रद्दोबदल हो कर हमारे सामने पेश है और में समझता हूं कि सन् १६५० में जो इसका रूप था वह आज के सन् १६५७ के विन की प्रपेक्षा ज्यादा लुनरनाक था। इसके अलावा हमारा जो क्रिमिनल प्रोसीज्योर ऐक्ट है उसमें भी काफी रद्दोबदल किया जा चुका है। मैं कोई बकील तो हूं नहीं कि कोई एक दावे के साथ किसी चीज़ को कहूं लेकिन यह मैंने अक्सर बाहर मुना है कि चूंकि क्रिमिनल प्रोसीज्योर ऐक्ट इनना बदल दिया गया है, इसलिये प्रीवेंटिव डिटेंशन ऐक्ट को क्रायम रखना चाही हो गया है। इसके अलावा ट्राएल करने के काम में भी लालचीली हो नहीं है। आज हमारी रेलवे में जो सैक्योटेज होता है और ऐसे लोग जो हमें काम करने नहीं देना चाहते, जो कि विधान सभाओं में जा करके वहां पर प्रदर्शन करना चाहते हैं और काम को रोक देना चाहते हैं और मारपीट करना चाहते हैं, ऐसे कहारती लोगों को रोकने के लिये

हमें इस प्रीवेंटिव डिटेंशन ऐक्ट की अभी आगे के लिये ज़रूरत है।

उपाध्यक्ष महोदय, में आपका ध्यान स्टेटमेंट नम्बर, ३ की ओर दिलाना चाहता हूं Number of cases in which detention orders were made during the period 1-11-56 to 30-9-57 with a view to preventing persons from acting in any manner prejudicial to the security of the State or the maintenance of public order. के बारे में है और में आपसे पूछना चाहता हूं कि हमारे मध्य प्रदेश में जहां कि उक्तों को हारबर किया जाता है वहां इस कानून के बीच कैसे होल किया जाय और अगर ऐसे उपद्रवी और असामाजिक लोगों को डिटेन न करें तो यह कहां तक मुनासिब होगा? हमारे पास इनना अच्छा कोई दूसरा कानून नहीं है जिसके मात्रात हम उनको डिटेन कर सकें।

हमारे माननीय सदस्य श्री नीरोद मरुचा ने कहा कि रोलेट ऐक्ट के उमाने में ऐस्यूज का ट्राएल होता था और उन्होंने रोलेट ऐक्ट के सम्बन्ध में पुराने इस्पीरियल लेजिस्लेटिव कॉसिल में जो उस समय के सदस्यों ने बिनमें में कि आज बहुत से इस लोक में नहीं है, उनके उस समय प्रकट किये गये विचारों को जो अपनी स्थीर में कोट किया, जो उनका मान्यता देता हूं लेकिन मेरे अपने माननीय सदस्य से यह कहना चाहूंगा कि वे ज़रा आज की परिस्थिति का मुलाहिजा करें कि देश में क्या हालत हो रही है। हमारे मध्यप्रदेश में डाकुओं को आश्रय दिया जा रहा है और उनको घरों में शरण दी जा रही है और जिसों में उपद्रव हो रहे हैं और ऐसी हालत में सरकार के पास इसके सिवाय और कोई चारा नहीं रह जाता कि वह इस सिवूल्यन

## [अधि. घो. निरो. सहाय]

का सफलतापूर्वक सामना करने के लिये इस प्रीवेटिव डिटेंशन एक्ट की मियाद ३ साल और बढ़ाने के लिये हाउस से कहे और मैं समझता हूँ कि हासात ऐसे हैं जिनकी कि बजह से हमें सरकार को इसकी मियाद बढ़ाने की मजूरी देनी चाहिये ।

हमें यह भी देखना चाहिये कि यह डिटेंशन के केसेज जो रेव्यू होते हैं उनकी तात्परी कितनी है और उनमें से कितने छठते हैं और कितनों को डिटेन किया जाता है । Review of the detention cases by the Advisory Board and releases and confirmation of detention order by High Court, Supreme Court and State Government from 1-11-56 to 30-9-57 उस में आप पायेगे कि Number of persons ordered to be released by the Advisory Board was इसके माध्यमी मात्र No of cases in which detention orders were upheld by the Advisory Board was 127 यदि १२७ आदमी डिटेन कर लिये गये तो मैं नहीं समझता कि कोई बहुत बड़ा पहाड़ टूट पहा । यह सरकार जो ढंगोंकेसी पर देश को आगे ले जाना चाहती है उसको भविष्यत करना हमारा मब्द का कर्तव्य है और उसके रास्ते में कोई रुकावट न ढाल सके और शारारती लोग उपद्रव आदि न कर सकें, उनको रोकन के लिये इस सरकार के हाथ में यह कानून देकर हम कोई गलत काम नहीं कर रहे हैं ।

इस सदन के माननीय सदस्यों को इस सारी जीवों पर और करना चाहिये । मैं आमता हूँ कि सन् १९५० में यह

कानून लाया गया था उस बबत इसमें सामिया भी लेकिन और और हम इस कानून में से वे सामिया निकालते गये हैं और एक्स्यूड के केसेज को रेव्यू किया जाता है और एडवाइजरी बोर्ड से उनके केसेज को एक्सामिन करते हैं और उनके बाद ही उनको डिटेन किया जाता है । मैं नहीं समझता कि ऐसी हासात में कैसे हमारे भाईयों का यह खायाल है कि इस कानून को प्राप्त बढ़ाना ठीक नहीं है । मैं तो समझता हूँ कि हमारे विरोध के माननीय सदस्यों ने जब इस पर बहस आरम्भ हो रही थी तो चूंकि वे उसको बाजिब नहीं समझते हैं, इन्हिये वे सदन से उठ कर बाहर चले गये । जब वह हमारी सभा में पार्टनर बन कर आये हैं, और कन्वेंशन में कल्पा मिलाइ कर वर्क करना चाहते हैं हमारे कास्टिट्यूशन को, तो जिन लोगों ने भद्रता में इस कास्टिट्यूशन को जलाया, उन को उनकी निन्दा करनी चाहिये थी । वह उन्होंने नहीं की है । जिन लोगों ने, जिन माननीय सदस्यों ने, इस कास्टिट्यूशन की ओर ली है, उन का ओर लेने के कारण यह कर्तव्य हो जाता है कि जिन लोगों ने अडे को जलाया, कास्टिट्यूशन को जलाया, वे उनकी लानत मलायत करे । मैं आपने माननीय सदस्यों के लिये यह बात किसी बुरी नियत से नहीं कहता, मैं तो केवल श्रावना के तौर पर कहना चाहता हूँ कि वे इन सारी जीवों पर और करे, और विचार करके देखें कि इसके लिये उनको क्या करना है ।

इन शब्दों के माध्यमी जो प्रीवेटिव डिटेंशन एक्ट को तीन बबं के लिये बढ़ाने का विचार कराया गया है, मैं उसका समर्थन करता हूँ ।

Shri Hem Barua: Sir, I oppose this Bill from A to Z. I was listening to the arguments advanced by the hon.

Home Minister, but somehow or other I am yet to be convinced of the necessity of continuing this Bill for another three years. At the same time to me this Bill appears as a most sinister paradox.

When the late lamented Sardar Patel advanced arguments in favour of introducing a legislation like this, he told this House about the probable menace to the security of this country. He held out instances of violence. He held out the Communist bogey as an argument for enacting this piece of legislation. He spoke in a very sentimental way about the sacrifices and sufferings of our people in order to win freedom. But Sir, whatever the conditions of that time, that Bill was introduced in a hot haste, within a month of the inauguration of the Republic. And when that Bill was introduced in hot haste, whether conditions justified or not, I do not want to throw my memory into back glance. But, this is also true that he argued in this House that this is going to be only a temporary arrangement, a temporary measure. The Government was in the habit of dreaming of bugbears in moonlight. The Government was in the habit of talking of communists and wanted this legislation. Then, if they want to continue this legislation on the very same argument I would put it in this way. McCarthyism is dead in the land of its birth. Why try to resurrect it in the land of democracy and the land where there is a possibility of free flow of ideas. Sardar Patel argued that this is an emergent measure. After that, when Rajagopalachari came, he also argued that this is only a temporary measure. Dr. K. Natru also argued in the same way. But it is a pity to say that this is a temporary measure, after so much of argument by so many Home Ministers, it is going to be a permanent feature of our Legislation.

I would like to quote what Mr. Nehru said in 1936 about pieces of legislation like this:

"A Government that has to rely on the Criminal Law Amendment

Act and similar laws, that suppresses the presses and literature, that bans hundreds of organizations, that keeps persons in prison without trial, is a Government that has ceased to have even a shadow of justification of its existence."

This is what our Prime Minister said in 1936. But it is a sad commentary of things to see that the Government over which he presides today appears to us as Chengiz Khan that tries to demolish and destroy civil liberties.

These are arguments advanced by our Home Minister. He speaks about the instances in Ramanathapuram and of Dravida Khazgam and stray cases of espionage and all that. What about Ramanathapuram? I want to ask him point-blank wherefrom these two contending parties in Ramanathapuram got such a huge quantity of arms and ammunitions? I doubt very much it was at the connivance of the State Government. It was because of the connivance of the State Government at least because of the connivances of some of the ministers in that Government, that both the contending parties got such huge quantities of arms and ammunitions.

**Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes):** On a point of order, Sir, I would like to know wherefrom this material has been supplied to the hon. Member. Did he go there or has he any reliable information? Both the parties are not Harijans. It is very unfortunate that the hon. Member is trying to say about supply of arms and ammunitions.

**Mr. Deputy-Speaker:** It might be a good interruption but there is no point of order involved in it.

**Shri Hem Barma:** When I say like that, I have support from a leading newspaper of this country. Nobody can challenge that *Amrit Bazar Patrika* of Calcutta is not a leading

[Shri Hem Barua].

newspaper of this country. I quote from that paper. Things might not have taken such an ugly turn had the Madras Government taken timely notice of the deteriorating relations between Thevars and Harijans. That leading article is captioned as "Disgraceful". There they tell point-blank that both the contending parties made use of huge arms and ammunition. Wherefrom did these people get arms?

Mr. Deputy-Speaker: It is not necessary what appears in a paper must be correct Hon. Members should have something more to rely upon. It is not very fair to lay the whole blame on the State Government that the State Government supplied arms. If the Editor of some paper gives a free flight to his imagination, it is not proper that an Hon. Member should take it up here because the speeches here must be based on facts which are either within our knowledge or at least we have reasons to believe that they must be correct. Simply because it is a leading article of some newspaper it is not sufficient justification. Hon. Member need not labour on this point now.

Shri Hem Barua: On a point of clarification I did not suggest that the State Government supplied this quantity of arms and ammunition to the contending parties. I say the State Government allowed the situation to deteriorate. That is one point. Another thing is I want to know wherefrom these people got such a huge quantity of arms and ammunitions. Therefore, I do not want to apportion blame on any party whatsoever, not on the Government even. I am sorry this got into controversy. I did not have any dirty intentions in my mind, and I hope, Mr. Murthy will excuse me. This was unintentional.

Another thing was espionage. The General Council of the National Conference of Kashmir has adopted

a resolution to the effect that organisations officially sponsored in Pakistan, like the one led by the former Major General Akbar Khan which take resort to this sort of bomb explosions, are directly or indirectly responsible for bomb explosions in our country. My contention is this: Why is it that our normal state machinery is not capable of punishing these people who are engaged in creating chaos and anarchy in this country. The normal State machinery should be enough to put out these cases, and to allow the normal course of law to operate instead of having an action like this that goes directly against the civil liberties of our people. I know this Bill could have been rather welcome if there had been a national emergency such as a war in this country. But conditions as they are today do not warrant a Bill like this or a perpetuation of this Bill at all,—not even for a single day.

Now, the Home Minister spoke about England. He referred to England. I would also give an instance from the history of England in modern times of Regulation 18B adopted during the Last World War. This regulation gave the Secretary of State the right to detain a person without trial believed to be of hostile origin. This power was given to the Secretary of State not because a man has actually committed some crime, but there is a suspicion that a man might commit a certain crime or certain things against the State and that is why this power was given to the Secretary of State during the last world war.

15 hrs.

Lord Atkin has declared in a memorable judgment about this sort of power in England thus. He says:

"In this country, amid the clash of arms, the laws are not silent. They may be changed,

but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the principles of liberty for which we are now fighting, that the judges are no respecters of persons and stand between the subject and any attempted encroachment on his liberty by the executive, alert to see that any coercive action is justified in law. In this case I have listened to arguments which might have been addressed acceptably to the Court of King's Benches in the time of Charles I. I protest even if I do it alone, against a strained construction put on words with the effect of giving an uncontrollable power of imprisonment to the Minister."

Our Home Minister in the morning when he introduced the Bill rather argued about England. But, even in England there is no such thing. England does not have a written Constitution as we have. We have a written Constitution and the written Constitution has guaranteed certain freedoms. But during the last few years we have never been able to realise fully or squarely the freedoms granted by the Constitution. On the other hand, there have been serious attempts on the part of Government to violate even the fundamental provisions of the Constitution. Therefore, we can have no analogy with England. Possibly, England is the only country in the world that has succeeded in actualising the freedoms granted by the unwritten Constitution.

It is a fact that Parliament has sovereign powers. It has sovereign powers to legislate. At the same time, Parliament has certain obligations and responsibilities to the people. The representatives of the people, who are elected to the sovereign forum of the Nation, do not have the moral right to legislate against people's interests, the people who have elected them to this House. But, that

is what we are doing. We are legislating against the interests of the people, against their own liberty, against their own individuality. That is what we are doing today or rather what are going to do.

I want to ask the Government point-blank: 'Do the Government anticipate any insurrection on the Indian soil today? Do the Government anticipate any revolution on the Indian soil today? Do the Government anticipate any revolt on the Indian soil today? If the Government do not anticipate any revolution on the Indian soil today or if the Government are not anticipating any resurrection today on the Indian soil, I do not see any meaning, any sense in trying to perpetuate this black piece of legislation.'

The Home Minister was relying too much on the Constitution and he said that the Constitution has provided detention without trial and he quoted article 22. But, then, the Home Minister forgets that the Constitution provides other liberties too. The Constitution provides the liberty to the Government to take away the liberty of the individual. At the same time, the Constitution provides so many things to ensure the liberty of the individual. Are we paying any heed to them or any attention to them? If the Government wants to rely on that particular aspect of the Constitution, I would say that it is easier to tolerate the despotism or the tyranny of a despot—he may be an enlightened despot—than the despotism of democracy which is something very difficult to tolerate or face squarely.

I want to say that if you concede that individual liberty, or the liberty of the individual is a sacred trust, if you consider that the law of the jungle must not be allowed to precede the rule of law, this Bill is an unjustified Bill and this Bill must be opposed tooth and nail. What we find in this Bill is a slaughter-house

[Shri Hem Barua].

a slaughter-house peering and peeping out of this Bill, a slaughter-house of the civil liberties of the individual. The civil liberties of the citizens are butchered. This is what I want to say. Instead of granting civil liberties, there is a deliberate attempt through this piece of legislation to throttle civil liberties, to smother civil liberties and to break civil liberties.

I just remember a story of Confucius. As he was passing through a graveyard, he saw an old woman weeping there. He enquired of her, why she was weeping like that in a lonely place. She said she was weeping because her father-in-law was killed by a tiger and because her husband was killed by a tiger and her son too, so she said she was weeping by the graveyard. When Confucius asked her again why she was weeping by the graveyard, she said it was because there was no oppressive Government there. Now, that was the argument or reason given by that old woman. Confucius turned to his compatriots and said that an oppressive Government is worse than a tiger.

15-07 hrs.

[PANDIT THAKUR DAS BHARGAVA  
in the Chair]

This is the very instance which we can apply to our Government as well. The argument that there were 11,000 people detained in 1950 and now the number is only 205 does not hold water. That can be no argument for robbing people of their civil liberties or depriving them of their civil liberties. I do not see any argument here.

What about us? We are condemning all. We are very serious about the position of Indians in other countries, in foreign lands. We argue about the conditions of Indians in Ceylon; we argue about the conditions of Indians in South Africa and we argue about their conditions in so many other

lands. What about the conditions of Indians in our own country? We are reducing them and putting them into an iron cage and putting them under fetters. This is what we are doing. When we do this, when we rob them and deprive them of their civil liberties and when we reduce them to mere automatons by the Government machinery, we do not have the right to argue about the conditions of Indians in foreign countries. If we argue so in this way, I would say that we are suffering from a moral perversion. We are in a hysteria; what about that hysteria? This hysteria has come from the graveyard of Charles I to us, that continued upto the revolt of 1688 in England. And that is the sort of hysteria we are suffering from, a sort of hysteria superimposed on the people by the Government.

At the same time there is an argument that this Act is liberally used and that this Act is used in a judicious manner. That may be. But that does not justify the existence of the Act itself. This Act is to me like an inscription on a sword. But the fact is that the sword exists and whenever the sword exists, it may rush out and slash anybody.

Now that the very fact that this Act exists, the very fact that this piece of legislation exists shows that it can be used in ways that are not very much commendable and cannot be commendable at all. For six weeks a man can be spirited away under the orders of the District Magistrate. That is the provision that this Act has made, and this is how people argued or this is how the Home Minister argued, namely, when you find an example of 11,000 people having been imprisoned and kept in detention in 1950, there are only 205 in detention today, and that this shows that the Act is used in a very judicious way. But then, my argument is this. Why should the Act exist at

all? If the conditions are normal, if the Government does not anticipate an insurrection or a revolution in this country, why should the Government—and why is it that the Government is trying to—insist on this piece of black Act and perpetuate it for another three years? Already a period of seven years is over. Now, they seek to extend it by another period of three years. I would say that it is a sort of moral guilt on the part of the Government.

In this case, I would like to quote Judge Hand, a jurist of international eminence. He says that if we have to super-impose a Bill like this and deprive the people of the civil liberties, it is better not to have liberty at all! Instead of creating an atmosphere of terror and an atmosphere of fear, let us try to create an atmosphere of peace and goodwill. This is what he says. And if in that attempt to create that atmosphere, some people escape, let them escape. If the normal machinery of the Constitution fails to take cognizance of them, then, we would say, they should escape than have a black legislation like this.

I will conclude by quoting what Judge Hand has said:

"Risk for risk, for myself I had rather take my chance, that some traitors will escape detection than spread abroad a spirit of general suspicion and distrust, which accept rumour and gossip in place of undismayed and in intimidated inquiry".

This is what Hand says and I think it applies very creditably to our country as well. Instead of having this black legislation, instead of trying to rob our people of civil liberty, instead of floating the provisions of the Constitution and even the fundamental rights, let us create an atmosphere of peace and goodwill; let us have an atmosphere of social mobility rather than of coercion and black

deeds soiled with the sufferings of our people.

लाला अचित राम : (पटियाला):

ममापति भहोदय, आज आपके सामने सवाल यह है कि प्रिवेटिव एक्ट की किन्दमी को तीन सालों के लिए बढ़ाया जाए। इसके इतिहास का बर्णन करते हुए यह भी कहा गया कि किस तोर पर सरदार पटेल ने जब इस बोज का ख्याल किया कि इस एक्ट की ज़रूरत है तो वह दो दिन और दो रात तक सोये नहीं थे। किसी की आजादी के हक को लेने की एक्टिव इतनी थी कि बाकी सरदार पटेल का परेशान होना उनके शायाने सान था। अब भी पन्त जी ने अपनी स्पीच में यह बात कही कि मैं तो इस बात का स्वाहिशमन्द हूँ कि ज्यादा से से ज्यादा लोगों को आजादी पूँ और जो रेस्ट्रिक्शन हैं उनको कम करूँ। आज मूँ सुनी होती है जब कि मैं यहाँ बिईसर प्लेस में, मुस्क के अन्दर देखता और शहरों में देखता हूँ कि कम्पूनिस्ट पार्टी के अड़ लगे हुए हैं, दफ्तर लगे हुए हैं। यह सुनी की बात है कि आज हमारी स्वराज्य गवर्नरेंट के अन्दर तमाम पार्टियों को काम करने वाली आजादी है और हमारे होम मिनिस्टर साहब, पन्त जी, बजा तोर पर फरवर कर सकते हैं कि जो कम्पूनिस्ट पार्टी अल्नाफुल वी वह आज साफुल है और अपनी एक्टिविटेज को केरी भान कर रही है। जिस एक्ट के लिहाज से काफी रेस्ट्रिक्शन लगाए जा सकते हैं, उसकी तहत भी उनको पूरी आजादी है।

लेकिन देखने की बात यह है, जैसी अभी दलील भी दी गई, कि आज जो एक्स्टेंशन किया जा रहा है तीन वर्ष के लिए, आया उसमें किसी तरबीय की ज़रूरत है या नहीं, या उसको बैसे ही सागू कर देना चाहिए। मैं समझता हूँ कि इस हाउस के अन्दर बहुत से ऐसे आदमी हैं जो समझते हैं कि इस एक्ट की ज़रूरत है। इसमें कोई वक व कुबह नहीं है।

## [लाला अर्चित राम]

खास तौर पर जब हम बेलते हैं कि बम बलते हैं, बम किसने रखे और कहां रखे, यह बातें खोड़ दी जाएं, इस्पायनेज बलता है। सरकार भी समझती है कि कश्मीर के अन्दर जो हालत है। पाकिस्तान के आदमी, उसी शब्द के, उनीं तरह की पण्डी बाले, बहा फिरते हैं। उनको पकड़न की जरूरत है। तो यह बात मार्क्यूल पड़ती है कि ऐसा एक हो। यह जरूर देखना होगा कि हम कहीं सबाब करते करते, नेकी करते करते, गवनमेंट को मजबूत करने करते ला एड आर्डर को मजबूत करने करते कहीं ला एड आर्डर को फेल तो नहीं करने। कहीं नेक काम करने में भर्डाई तो पैदा नहीं होती। अगर फिरम को दबा जाए, तो १०००० में कम होते होते कोई २०० लोग रह गए। यह हमारे काम की निशानी है और खुशी की बात है। लेकिन मेरा स्पाल है कि हासाकि पत जी आज इस हालत में है कि यह ऐनाउन करे कि मिंक २०० या २५० ही आदमी रह गए, लेकिन अगर इस एकट पर जरा और पर्हतियात में अलग किया जाता तो बजाय २०० के १०० आदमी ही रह जाते। और यह कहा जा सकता कि आज इन दिनों के अन्दर १०,००० में कम हो कर १०० आदमी ही रह गए हैं। इन फिरम के कम होने में हम समझ सकते हैं कि गवनमेंट का मक्कम अच्छा है और वह चाहनी है कि लोग आजादी भरसूस करे, साथ ही गवनमेंट को भी मजबूत किया जाए। लेकिन मुझे इस बात का है कि जब ला को जरा भी उन्टा बरता जाता है तो उसका नतीजा भी उन्टा निकलता है। मामूली बात है कि जो आदमी गलती करना है उसे डिटेंशन में रखा जाए, लेकिन जब ला को मिस्यूज किया जाता है तो उन्टा नतीजा निकलता है। एक छोटी सी बात देखिए। अकाली तहरीक बलने के बाद मास्टर तारा सिंह को पकड़ लिया गया मास्टर तारा सिंह जेल में थे। उस बफ्ट एक्वर्नेंट ने यह कहा कि उनको बहां से तब्दील किया जाए। जब मास्टर तारा सिंह के पास

लोग गए तो उनको बुलार बहा हुआ था। मास्टर जी ने कहा: मुझे बुलार है, ऐसी हालत में मुझे तब्दील न किया जाए, लेकिन कहा गया कि नहीं, बहुत नजदीक ले जाना है। क्या हुआ कि उनको उमीं बुलार की हालत में अमृतसर में गुडगांवा ले जाया गया, और उसकी बजह से उनको हड्डियों में तकलीफ है। यह बात जरूर है कि गवर्नर्मेंट को हक है कि प्रिजनमें को तब्दील करे, उन्हें जिस जेल में जाने से जाए, लेकिन इस कानून को बरतने का दृग भी तो कुछ होना चाहिए। मास्टर जी को दीमारी की हालत में ये जाना गलत था, जिसका नतीजा गलत ही निकला। जो अकाली भाई थे उनको इसमें आग लग गई और तहरीक इन्हीं बढ़ गई कि ज्ञाप में नहीं रही। गलत नगीके में काम करने में यही होता है। मैं भारे भुल्क की बात तो नहीं कह सकता लेकिन पजाब के अन्दर छ महीने में जो तहरीक चम रही है, और वह जोर में चल रही है, कहा जाता है कि वह खत्म होगी, लेकिन उन्हें हांन भी कोई बात नहीं है। हजार हड हजार आदमी जेल में जाते हैं। लेकिन मग खयाल है कि अगर इस प्रावधारणे को प्राप्त नगीके में हैंडल किया जाता तो मामला इन्हाँ नहीं बढ़ता। आज बहा नारे लगाए जाते हैं कि जबदंसी पजाबी न पढ़ाई जाए, जबदंसी हिन्दी न पढ़ाई जाए। मैं बाहता हूँ कि सबको हिन्दी पढ़ाई जाए, लेकिन साथ में यह भी बाहता है कि जबदंसी हिन्दी न पढ़ाई जाए। डोल्ट फोले हिन्दी डालन बेचर थे टेस्म। उनका प्रभा खयाल है। हिन्दी रहा समिनि कहनी है जबदंसी हिन्दी भी न पढ़ाई जाए और जबदंसी गुरुभूमि भी न पढ़ाई जाए। मैं उनमें इसका कहीं करता। मैं ममला हूँ कि हिन्दी और गुरुभूमि दोनों ही पढ़नी चाहिए। लेकिन जो अपनी बात कहे लगा उसको पकड़ा जाए? आज यह बेज़ने की बात है। अगर कोई कोट में जाए, और कोट का काम बद्ध करदे,

दो बेहुक पकड़ लो । लेकिन देख भर में जो नारे लगाते हैं हम जबक्वैस्ती हिन्दी नहीं पढ़ते, हम जबक्वैस्ती गुरुमुखी नहीं पढ़ते, उम पर पाबन्दी लगाना जरूरी नहीं है । इसलिए मैं समझता हूँ कि पंजाब में जो गतियां हुई हैं, उनसे जो आपका अच्छा भक्तसद है कि लोग हिन्दी और गुरुमुखी दोनों पढ़ें, वह हल नहीं हो रहा है, उन्हें उल्लंघन बढ़ रही है । पहले तो बात शहरों तक ही थी लेकिन अब यह बात गांवों में भी पहुँच गयी है । मान लीजिये कि यहां पर कोई आदमी जेल में बन्द हो और पन्न जी या पंडित जी कहें कि वह बीमार है और उम्म खून की जरूरत है, और अगर कोई आदमी जिम्मों डाक्टर इजाजत देता तो बीमार के लिये अपना खून दे देता है तो ममे कानून के विवाक क्या बात है? लेकिन पंजाब में ग्रोम प्रकाश नाम के एक शम्भ को इसी बिना पर डिटेन कर लिया गया कि उम ने एक कंदी को अपना स्वन दिया । अब बताइये कि यह कौन सा जुर्म है ।

एक आनंदीय सवाल : श्रेम ।

साला आचित राम : इम में शेम की बात नहीं है । मैं यह नहीं कहता कि गवर्नरमेंट अपना कानून न करे लेकिन उमका दुष्ट ठीक होना चाहिये । अब मास्टर तारा मिह को जो बुखार की हालत में एक जगह में दूसरी जगह से आया गया तो क्या यह पन्न जी के कहने से या जबाहरनाम जी के कहने से किया गया? लेकिन इसमें गडबड मच गयी और हाजारों अकालियों की एक कम्प्युनिटी गवर्नरमेंट के विवाक बन गयी । आज जो गतियां हो रही हैं उमका नतीजा यह है कि पंजाब में एक कम्प्युनिटी जनसंघ बन गयी । जो लोग कल तक कार्यक कैम्प में थे आज आपके विवाक हो गये । उन्होंने गवर्नरमेंट में जो पार्टी है उसके साथ देश के लिये कुर्बानियां की, लेकिन आज इन गतियों के कारण वे आप के विवाक बन गये ।

आप देखें कि ग्रोफ्सर भगवान दास हैं। मैं उनको जानत हूँ कि वे बड़े सज्जे और त्यागी हैं और नान बायलेट हैं । वे प्रिमिपल हैं और लेकारेटरी में एक्सप्रेसीमेंट करते हैं । जो उनको जानता है वह उनके विवाक कोई बात नहीं कह सकता । इसी तरह मैं एक भेरे कलास फैला हूँ श्री भेलराम जो हो०००० के स्कूल के प्रिमिपल हैं जो कहते थे कि जो आदमी हिन्दू और सिखों में नाइनिकाकी पंदा करता है वह गुनहगार है । उनका दावा था कि जौ धर्म साहब की हज्जत नहीं करता वह गुनहगार है, वे कहते थे कि हम एंसा नहीं होने देंगे । इस कानून में उनको डिटेन किया गया । प्रेमा करने में लोगों के अन्दर जज्जा न फैले तो क्या हो? आज उम को कोई कटूल नहीं कर सकता । आज गवर्नरमेंट की तरफ मेरीपीले निकाली जाती हैं कि यह चौज कटूल में आवे, पालियामेंट के १५० मेस्टर प्रपील निकालने हैं लेकिन कोई मुनता नहीं । कारण यही है कि वहां पर इस डिटेन एक्ट का मिमहेंडिंग हुआ है ।

पत जी ने कहा कि एक भी इस्टेम बतलाओ । यहा तो कई इस्टेम हैं । हमें यकीन है कि अधर यह केस पत जी के सामने या होम मिनिस्ट्री के सामने आता कि एक आदमी ने एक कंदी को अपना खून दे दिया है तो यकीनन उस आदमी को डिटेन न किया जाता ।

एक आनंदीय सवाल : छोड़ दिया गया ।

साला आचित राम : बड़ी सूखी की बात है । लेकिन मेरी दरस्वास्त है उसे पहले पकड़ा ही क्यों गया । पकड़ने के बाद उसे एहवाइजरी बोंड ने छोड़ा ।

एक आनंदीय सवाल : स्टेट गवर्नरमेंट ने ही छोड़ा होगा लेकिन जितने समय उसे जेल में रहना पड़ा उसके लिये कौन जिम्मेदार है?

बी० रस्वीर लिह (रोहतक) जो आदमी दूसरे केसेज में गिरफ्तार होते हैं और जेल में कुछ समय रहने के बाद रिहा हो जाते हैं उसमें किस की गलती है ?

लाला अधित राम : लेकिन इस हिटेंशन के काम के लिये बहुत अहतियात की जरूरत है। सरकार पटेल ने कहा था कि उम्मको यह विल लाने के पहले कई रात नीद नहीं आयी थी।

यह कहा जा रहा है कि इस एक्ट को तीन साल के लिये और बढ़ा दिया जाये। स्पीकर साहब ने भी कहा कि अगर इसमें अमेंटमेंट करना है तो बाद में किया जा सकता है, अभी तो ३१ सिद्धांत या रही है। लेकिन सरकार को यह तो सोचना चाहिये कि आज जो इसका विसाएपलीकेशन हो रहा है उसको किस तरह से दूर किया जाये। मैं कहता हूँ कि आज के हालात में इसकी जरूरत है लेकिन अगर आप चाहते हैं कि इसका मिम्यूजन हो तो आपको इसके लिये इन्तजाम करना चाहिये। इस सिलसिले में मैं तीन चार संज्ञेशन देता हूँ।

पहली बात तो यह है कि जब किसी को हिटेन करना हो तो एक दिन के अन्दर इस बात का मेंट्रल गवर्नमेंट से प्रीमेट ले लेना चाहिये कि इस आदमी को डिटेन किया जाये या नहीं। यह इसलिये जरूरी है कि सरकार की बदनामी न हो। इन गलतियों की बजह से यजाब में एक कम्युनिटी की कम्युनिटी गवर्नमेंट के लिलाक हो गयी है। इसलिये पहली बात तो यह है कि किसी आदमी को हिटेन करने से पहले मेंट्रल गवर्नमेंट को मामला रेकर बर लिया जाना चाहिये।

दूसरा मुद्दा यह है कि आज सोगो को इस बात की गिरावत है कि उनको आठन्हैस हिटेंशन के पांच दिन बाद दिये जाने हैं। किसी को पकड़ने के पहले आप उसके लिलाक घो आठन्हैस हैं उनको इकट्ठा कर लें। यह दीक नहीं है कि पहले उसे पकड़ ले और बाद

में ग्राउन्ड इकट्ठा करें। यह तो ऐसा हुआ कि मैं किसी को बगैर यह जाने हुए कि यह आदमार है बता दे दू। इसलिये मेरा दूसरा मुद्दा यह है कि किसी आदमी को हिटेन करने से पहले उसके ग्राउन्ड इकट्ठा कर लेने चाहिये और हिटेन करते ही उसको वे ग्राउन्ड दे दिये जाने चाहिये।

तीसरी बात कनकमधान की है। गवर्नमेंट अभी १२ दिन में कनकमधान करती है। इससे गवर्नमेंट की बदनामी होती है। यह काम सात दिन में होना चाहिये, अभी कामेस सरकार का सब जगह बोलबाला है। लालों आदमी उसकी इज्जत करते हैं। लेकिन अगर इस तरह से होता रहा तो उसकी बदनामी होगी और जो लोग आज उसके दोस्त हैं वे उसके दुष्मन हो जायेंगे। इसलिये मेरा कहना यह है कि तिफ़ जस्टिस करना ही काफी नहीं है यह जाहिर भी होना चाहिये कि जस्टिस की जा रही है।

आज एडवाइजरी बोर्ड का ३० दिन में ममाला भजा जाता है। आप एक आदमी को पकड़ लेते हैं तो वह इस तरह से एक दो तीन महीने तक बाहर नहीं निकल सकता। भैरा सुझव यह है कि जब आप को यकीन हो जाये तो आप उस आदमी के बारे में मेंट्रल गवर्नमेंट में भजूरी ले ले और फिर तीस दिन के बायाय क्यों न सारा मंटीरियल दम दिन में ही एडवाइजरी बोर्ड के पास भज दिया जाये।

एक आजीवीय सदस्य यह काम तो स्टेट गवर्नमेंट करती है।

लाला अधित राम स्टेट गवर्नमेंट ही करे लेकिन ३० दिन के बायाय १५ दिन में क्यों न सारा मंटीरियल बोर्ड के पास भेज दे।

बी० रस्वीर लिह : और कोई काम तो स्टेट गवर्नमेंट के पास है नहीं।

लाला अधित राम : और काम को खोड़ दे तो कोई दर्ज नहीं। इस बजाए बरेंगिस्टर

साहूल लालीक नहीं रखते उनके सहायक साहूल हैं। और यह बुशी की बात है। तो भीरी वरक्षास्त मह है कि किसी आदमी को डिटेन करते से पहले स्टेट गवर्नरेंट को सेंट्रल गवर्नरेंट से एसीमेंट ले लेना चाहिये, उसे डिटेन करने के फौरन ही बाद ग्राउंड्स दे देने चाहिये, फौरन कलकर्म करना चाहिये और जितनी जल्दी हो सके एडवाइजरी बोर्ड के पास मैटीरियल भेज दिया जाये। अगर किसी आदमी को तीन तीन और छः छः महीने जेल मे रखा जाता है और बाद में रिहा कर दिया जाता है तो इस बीच में उसका कारोबार नष्ट हो जाता है और उसे बहुत दिक्कत और परेशानी होती है।

प्राज पंजाब के अन्दर ११२ आदमी उच्छे गये। उनमें से ७० या ८० को एडवाइजरी बोर्ड, हाई कोर्ट या मुक्रीम कोर्ट ने छोड़ दिया। यह इस बात का सबूत है कि डिटेनेशन एक्ट का ठीक तौर पर इस्तेमाल नहीं हो रहा।

भी बखराक सिंह मिस्यूज हुआ।

साला अधिकृत राम : यह तो मे नहीं कहूँगा क्योंकि मे कामें का आदमी हूँ। लेकिन मे यह कहूँगा कि इनमे इनेमेल मे कम अहतियात बरती गयी। तो ११२ मे मे ३० या ८० आदमी रिहा हो जाने हैं। तो देखिये कि किसी गलती हुई। अगर यह गलती न होती तो, प्राचिल में इनना बाबैला न मचता। इस गलती की बजह मे इन आदमियों की गिरफ्तारी की बजह मे सरकार की बदनामी भी हुई और किर भी उनको रिहा करना पड़ा। अगर अहतियात बरती जाये तो यह बात क्यों हो। आप इस तरह मे का क्यों न करे, जिसमे आप की जड़ें मजबूत हो।

मे अब आप को हाईकोर्ट के एक फैसले से कुछ पह कर सुनाना चाहता हूँ। उसमे कहा जवा है :

"That it cannot be assumed as a matter of course that the detaining authority exercised its mind in an

intelligent manner in regard to the cases against the detenu and inasmuch as did not do so, it cannot be said to have acted in law honestly."

यह क्या बात है। हमारे हाई कोर्ट हमारी गवर्नरेंट के मुह पर अधिक लगाया करती है। यह फैसला सारी पब्लिक पढ़ सकती है। यह तो नहीं है कि यह होम मिनिस्टर या प्राइम मिनिस्टर की जेब मे रहेगा।

बौ० रत्नबीर सिंह : जमीदारी एवालिशन के लिये भी हाईकोर्ट ने ऐसा ही फैसला दिया था। फिर उसे सरकार ने कास्टीट्यूशन का पाठ बना दिया था और हाईकोर्ट के परम्परे से बाहर कर लिया था।

Mr. Chairman: There should be no running commentary. If any hon. Member wants to say anything, let him wait till his chance comes.

साला अधिकृत राम : जो हमारे चौबरी साहूल कहते हैं वह अच्छा है। मे तो बाहता हूँ कि ऐसा भीका ही क्यों आये। अगर हम ठीक ठंग मे और मुनामिन तरीके से काम करे जिसमे सबका एसीमेंट हो तो हाईकोर्ट को ऐसा कहन की बस्तरत ही क्यों हो?

हाईकोर्ट ने पंजाब गवर्नरेंट के लिलाफ स्टिक्कर्म पास करने हुए जो कहा है उसको मे कोट बरना चाहता हूँ :

"In this case I have not been able to discover even one solid reason which I can say is free from extraneous construction. In the circumstances of this case I find that both the reasons and grounds are vague, foreign and extraneous to the purpose of the Act."

अब यहां तक इस प्रोवेंटिव डिटेनेशन एक्ट की बस्तरत का सवाल है मे इस बात को मानता हूँ कि एडमिनिस्ट्रेशन को इस सा की बस्तरत है लेकिन जैसा मे ने पहले बतलाया कि स्टेट गवर्नरेंट्स इस सा का ठीक तौर पर जैसे उन्ह इस्तेमाल करना चाहिये, नहीं

## [ लाला अचित राम]

करती है, और अपनी गलती की बजह से नाल्हों प्रादमियों को अपने लिलाफ कर लेती है। यह कोई प्रकल्पमदी की बात नहीं है कि जो कल तक आप के दोस्त थे उनको आप ऐसी गलत हरकत में अपना मुख्लासिफ बना ले। इसलिये मैं बहुत सजीदगी में आपको यह अपनी अम्बुन सलाह देना चाहता हूँ कि इम बात का पूरा पूरा इन्जाम हाना चाहिये कि इसका गलत और इमप्रौपर एप्लीकेशन न हो। यह बिल मूँहे इसमें कोई सुव्वहा नहीं कि बहुत जन्मी पास हो जायगा और मैं भी आपके साथ खड़ा हो कर इसके पक्ष में बाट दिगा लेकिन मैं हल्ला आप में जहर बिनती करूँगा कि आप जन्मी में जल्दी इस में यशोधन कर कर कि इस के अन्दर जास्तामिया है उन का निकाल द। मैं आहता हूँ कि इस प्रीवेटिव डिटेशन एक्ट के सिलसिले में पहली बीज तो यह हानो चाहिये कि एप्लीकेट से डिटेशन हो और जो डिटेन हो उस की आउन्डेस आफ डिटेशन का कनफरमेशन सात दिन के अन्दर अन्दर हो जाये। एडवाइजरी बांड का डिटेशन का तमाम मंटीरियल १० १५ दिन के अन्दर अन्दर दें दिया जाय। अगर इन बीजों को महेनजर रखते हुए एक ममोजन बिल लाया जाय तो मैं समझता हूँ कि बहुत सारा ममला हल हो जायेगा और ममी आप के साथ होगा।

**Shri Sadhan Gupta:** Sir, this House was entitled to substantial arguments to justify the extension of so unusual a measure. But we must confess that the Home Minister has been less than fair to the House. We should have had arguments even in spite of the fact that this measure, or measures of this kind have been in existence in the country without interruption for years today. Even then the measure must be said to be an unusual measure and we should have been given reasons, firstly, why it is necessary to extend these measures at all and why it is necessary to extend this for three years.

Attempts have been made to give us some reasons. It may not have been deliberately done, but we must maintain that it has been a fraud upon the House. I say it may not have been deliberately done, but there is no doubt about it that the reasons advanced are a fraud upon the House all along the line.

The principal reasons advanced have been three: first of all, that apparently the authors of the Constitution have desired that this law should remain, secondly, that the situation of the country warrants it, and, thirdly that the safeguards against abuses are such that there is no harm in its extensions.

As regards this arguments about the authors of the Constitution on the basis of the ipse dixit of the authors of the Constitution, may I point out that our Constitution has no authors as such this Constitution had been framed by a basically reactionary group who had, nevertheless, to make concessions to the growing forces of progress and therefore we have progressive elements as well as reactionary elements inside the Constitution itself. And as far as the respect for the Constitution is concerned, they are no better than ourselves. We respect the gains that have been achieved by the progressive elements in the country through the incorporation of the Fundamental Rights, and they heartily disrespect them. Within one year of the Constitution the fundamental right of freedom of speech had been modified. And so, Sir, we also oppose the fundamental right of preventive detention which has been incorporated in the Constitution. And we do not have any respect for the shrun quoted by the Home Minister that because the authors of the Constitution have said so, therefore the extension is justified.

And even taking the Constitution at its face value, on the matter of preventive detention is there any warrant

in the Constitution to say that you shall keep the Preventive Detention Act alive until 1960? The Constitution provided preventive detention apparently for the purpose of emergencies. Even then we do not like some of the provisions there. But even accepting that, they only provided it as an emergency. What is the emergency for which the Preventive Detention Act is being sought to be extended?

Now, the Home Minister had tried to justify it on the ground of emergencies. From his reference to the shrutis he raised the alarms and the emergencies, "well, there is the attempted Brahma hathya in Madras, the Hindi agitation in Punjab, the threat from Pakistan, there are so many other threats, therefore it is necessary".

It has been shown by many of my colleagues who have preceded me that preventive detention has not prevented those acts which needed to be prevented and, indeed, it is not going to prevent them. Because, as I shall show, basically the Act is not intended to be used for the purpose of preventing real pernicious influences in the country. It has not prevented, for instance, the bomb outrages in Delhi or the nefarious activities of Pakistan agents in Kashmir. Therefore, the Act is not going to prevent any of those things.

We have no sympathy with the kind of things mentioned by the Home Minister, the kind of things happening in Madras or in the Punjab. But what we ask him is, do these things make the situation in the country so abnormal that we should perpetuate or continue a measure which the national movements has always dubbed as a black measure. What is the abnormal situation? In any country suddenly some circumstances may arise, some flare-ups may take place, some riots may take place. Can we really say that today the situation in the country is such that a riot is taking place and unless

we have such a law in our hands we stand the risk of the whole country being disrupted? Is that the situation? What is the situation today? A normal situation—normal in its peacefulness and normal in the possibility of certain flareups. In that case have we not powers to deal with it, adequate powers? The Home Minister has been a lawyer. He knows the formidable array of powers that is conferred by the Penal Code.

One of the grounds given in the statistics of preventive detention is preaching violence and so forth. Can't we stop the preaching of violence by the Penal Code? There are so many sections dealing with violence. Can't we utilise them, and effectively, stop people from doing so by convicting them of offences when they preach violence? Besides, are there not provisions in the Criminal Procedure Code, sections 107, 108, 109, 110? Could they not be used?

It was the obligation of the Home Minister to convince us that these powers were inadequate, that these powers were tried but had been found wanting, and therefore some extra powers are necessary, some abnormal powers are necessary. Has he done that? He has taken it in a cavalier fashion. He has taken for granted that it is just a normal measure, and it can just be foisted upon the country by a speech which is unconvincing. Has he given us anything to show that these powers which the law grants to the authorities is insufficient for the purpose of preventing crimes, for the purpose of keeping a normal situation on hand? Crimes exist in every society. Hideous murders take place in England or America for example. They do not have the Preventive Detention Act.

He refers to safeguard, the judicial review, the requirement of giving grounds and so on. What is the use of requirement of giving grounds. It only means that you should have sufficient ingenuity to formulate grounds

[Shri Sadhan Gupta]

which will be accepted by courts of law as legitimate grounds for detention. You cannot challenge the grounds. There may not be any truth in the grounds. Yet, you cannot challenge them. For example, if I were to formulate a ground against the Home Minister that at 12 o'clock today he was conspiring in America to bring in America soldiers into India, that would be a good ground for detention. He could not have pleaded, I was in Parliament, because, the court would at once say, you may have been in Parliament at that time, but Shri Sadhan Gupta has ample evidence before him and he is satisfied on that evidence. How is that a safeguard.

Then, the less said about this safeguard. It is absolute hoodwinking of the people. What is the judicial review? Only we have a High Court Judge on the Advisory Board: nothing else. What does he have? He has the evidence of witnesses in absentia. In my absence, they condemn me. I have no right to be defended by a lawyer. I have no right to cross-examine this witness. The materials before the Advisory Board come from the most corrupt of our people, police informers. Under these circumstances, we are expected to believe that it is a very salutary safeguard: decision of the Advisory Board based on materials supplied by police officers.

He has made much of the fact that we have no respect for law and order, we have no respect for the constable's authority, and that the constable's word is taken as the law in many other countries. Are the police of our country just the sort of the police of other countries? I know there may be very good police officials. I know quite a few who are very good. But, there is no denying the fact that the majority of the police and the police administration is still steeped in the traditions of the British regime, which is an ugly tradition, which does not entitle them to the respect of our people. It is this kind of police officials

who supply materials and I have no right to controvert them. Is that a judicial safeguard?

Lastly, we have a topsy turvey logic. They want us to extend it for three years. He has given us figures to show that the number of detainees is going down. In 1950, it was 10,000; in 1951, 7,000 and so on. Then, it has decreased. Yet, it is strange that when it was 10,000, the Act was wanted only for one year. They have gone on extending for one year. When it is 205, they want it for three years. Therefore, there is no justification, there is no warrant in the situation in the country which is normal and there are ample powers under the Criminal Procedure Code and the Indian Penal Code and other laws to prevent untoward happenings. There is no logic in asking an extension for three years.

What is the real reason? The reason is apparent from the past applications of the Act. It has been applied mostly to impose their will on the people. The Home Minister said that it is designed to prevent a microscopic minority from interfering with the civil liberties of millions. What is our experience? Our experience is that it has always been a microscopic minority which has sought to impose its will on millions through the Preventive Detention Act. I would challenge the Home Minister to deny it.

In Bombay, it was imposed. The Preventive Detention Act was freely utilised in order to crush the agitation for Samyukta Maharashtra and Maha Gujarat. What happened? Was it the case of a microscopic minority who were subjected to this oppression or was it the case of a majority which was subjected to this oppression? If there is any doubt, one of the leaders of the Samyukta Maharashtra movement, may I mention comrade S. A. Dange who was sub-

jected to preventive detention was returned to this Parliament by the maximum number of votes that any one in India has polled today.

There is no doubt that when the criminal law loudly proclaims innocence, when the right to exercise fundamental rights solidly stands behind the person, at that time, the Preventive Detention Act comes in handy. We had the merger movement in West Bengal. The entire State was there behind the movement. Every activity was stopped without the least violence. Yet, the Preventive Detention Act was let loose. They had to withdraw in the face of the resistance of the people. But, they had perpetrated untold miseries. In the Tramway fares movement, the same thing happened. They had to accept that the rise in the tram fares was unjustified. Yet, the Preventive Detention Act was resorted to crush the movement. They did not succeed. No Preventive Detention Act will succeed in crushing the movement. That is what they tried to do.

In this way, whenever a working class organisation or a trade union goes on strike, this black measure is let loose against them. On the 5th and 6th of January, 1956, the bank-men went on strike in West Bengal in response to a call by an All-India organisation. That strike was entirely peaceful. Yet, the Preventive Detention Act was used with a view to breaking that strike. They did not succeed in breaking it. But, it was used. It is this purpose that is hidden behind the alarming difficulty and the grounds preaching violence and other reasons which have been given in the statistics to justify detention. These things should not mislead. These statements are not facts. I can say with the fullest responsibility that these statements are not facts. These statements are fabrications. It is just the ipsi dixit of the authority.

There is no way of verifying the truth of these statements. Therefore,

I oppose this measure. I oppose on account of the likelihood—did I say likelihood? It is a certainty of the abuse of this measure in every part of the country. Above all, I oppose because it is a shame to our country. I want to proclaim to the world that the spirit of our country in this matter is not represented by the power hungry, power mad coterie bent upon curbing every democratic threat to their power, to the imposition of their will on the unwilling millions or to the continuation of sanctity of exploitation of the vested interests on whose bounty they depend for maintenance of their power. I would proclaim to the world that even on the other side, may be, there are many who conscientiously object to this measure. As a matter of fact, every honest man should object to this measure. It struck down irrespective of all parties. Of course, we have borne the brunt of it because we have consistently championed the cause of the people, but even when Congress men have sought to do it, the measure has come down on them. I have known the strike of the Amrita Bazar Patrika when many workers of the INTUC were locked up under the Preventive Detention Act though they were as innocent as lambs. Therefore, the only thing that the Preventive Detention Act has served is to crush down the champions of the people irrespective of the party to which they belong.

I therefore want to proclaim to the whole country that the Government have no guts to say that they want this measure for the purpose of their ulterior motives, and are only hoodwinking us by creating a false sense of alarm and are trying to get a permanent measure through the expediency of temporary extensions.

Lastly, I would repeat a statement which the hon. Members on the other side of the House will not fail to remember; I would repeat the statement that a Government which seeks to rule by these laws has no moral right to exist. I hope the hon. Mem-

[Shri Sadhan Gupta]

bers on the other side, including the Treasury Benches, know where the statement came from and when.

Shri Nathwani (Sorath): The only issue before the House is to consider whether there are exceptional circumstances to justify the continuance of this measure.

In the morning we heard the hon. Home Minister and he gave us the various reasons, and narrated at length the situation as it exists today in the country. He referred to the troubles which Pakistan is creating for us in Kashmir. There are also the border disturbances. He also referred to the position in the South. Again he referred to the Hindi agitation in U.P. and especially in the Punjab. I do believe that if there were justifying circumstances in 1953 and 1954 for continuing this Act, there are today as strong if not stronger reasons for continuing this measure.

In this connection reference is being made to the position as it exists in other civilised countries. Well, we have always tried to meet that argument by referring to the situation in our country. I would like to repeat that ours is a vast country containing a very large number of people with varying stages of political, social and economic development but further than that there is this reason that democracy is in its infancy in our State. Old ideas and habits die hard. People have not taken to the extent we would like to democratic ways and manners of functioning, nor has our sense of national solidarity been achieved to that extent that feelings or prejudices of caste, race, religion or State cannot create even temporarily disturbances among them. Bearing all these facts in mind we have to examine the proposal.

I heard the leader of the Communist Party waxing eloquent. Of course, he brought in the question of the bilingual State of Bombay. He also referred, why be called names, to the

then Chief Minister of Bombay. Perhaps he could not help doing it, but the points he was trying to make were: firstly that the existing circumstances show that the Preventive Detention Act is not necessary; if in spite of this Act there were such disturbances, there is no justification for the existence of this Act. He seemed to suggest that the logic of his argument was irrefutable. I disagree. Even assuming that what he says is true, it is an argument regarding the proper or more frequent use of the Preventive Detention Act not being made by the State authorities, and it is not an argument against the continuance of the Act.

He asked why no use was made of this Act to put down these disturbances, but the answer was provided by himself when he began to refer to the situation as it developed in Bombay. When he referred to Bombay, he said that on the eve of the declaration of the decision by the Congress Working Committee in January 1956, many persons were arrested under the Preventive Detention Act. I could not quite follow his argument because at an earlier stage he seemed to suggest that the Act was not being used or was not capable of being used and therefore there was no justification for it but when in Bombay this Act was used, and, if my understanding is correct, as many as 35 persons were taken into custody under the Preventive Detention Act he complained of it. This seems to be a strange logic.

Then he developed his second point. He said "You are passing this Act not with a view to protect the millions of people from violence, but you are seeking to impose your decision or will on certain people". He refers to the people of Maharashtra, and he goes on to say "You are trying to impose your decision on the majority of the people there". I fail to understand what he means by the majority of the people.

The decision to form a bilingual State was taken by the First Lok Sabha, by the representatives of the people at that time here in this House. You know that we discussed the question of reorganization of States for several months on end, and the representatives from the other States, barring, of course, the Members of the Communist Party, felt that the issue was of national importance, that the future of Bombay required their participation in the discussion and decision. Therefore, they approached first the representatives of Gujarat and Maharashtra and told them in effect:—"Look here, you have been trying to discuss this question. We have heard you at great length. In our opinion it seems that you should continue together as a bilingual State." That was the decision taken, and even the verdict of the people has endorsed this decision.

I have not been able to understand why we are being told that we are trying to impose our decision on the majority of the people. Here is Parliament and here the Congress Party has been returned, the party which took the decision at that time. In the State of Bombay the Congress has been returned in a majority, not merely from one unit namely from Gujarat or Maharashtra but from both the areas; from Gujarati-speaking areas as well as Marathi-speaking areas the Congress has been returned to power. It is in a majority. But they say that from Maharashtra proper the Congress did not get a majority. True, but will they try to equate a part with the whole of it? What is the feeling of the friends from Marathwada and Vidarbha when these people speak in the name of Maharashtrians? I do not know. Sir, I do not like to refer to the circumstances or the situation which prevailed in Bombay. But, I must not leave unanswered the charges which were made by Mr. Dange. He said there was firing and so on, but he did not refer to the systematic plan to terrorise the people as well as the Government of Bombay in submitting to the decision of Samyukta

Maharashtra with the city of Bombay. Of course, he asked for a judicial enquiry, but he did not mention a word about the sufferings of the minority community there. He did not refer to arson, violence and looting which shook that great city for one week. The police were the target of attacks; public properties were the target of attack, looting was rampant and but for the firm stand taken by the Government the whole city of Bombay would have plunged in chaos. If the Chief Minister remained calm and cool and tried to restore peace and law and order the friends opposite should not grumble about it. No government worth its name could have tolerated the things which you witnessed there. They were bound to protect the lives and the properties of the inhabitants.

16 hrs.

Sir, I feel, that I should also say a word about Prime Minister's recent visit to Pratapgarh. I would say only this that the insinuation that he went there to rehabilitate himself or to continue the imposition of the bilingual State is unjustified. He seems to suggest that because of this he withdrew his allegation or his version about Shivaji's certain exploits. It was not so. All of us know that he withdrew his certain remarks as far back as fifteen years. It was not on this occasion, with a view merely to placate or to ingratiate himself, that he said, "well, what I have stated is not true and that the facts are different; they are brought to my knowledge." This was the version that was sought to be placed by the leader of the Communist Party.

Sir, I feel that the way this axe has been used shows that no misuse or abuse has taken place. It may be here and there that proper grounds may not have been given; it may be there was an error of judgment. May be, in some cases, even assuming for the sake of argument, a real wrong was sought to be done to an individual, but I do maintain that there are important safeguards in the Act itself.

[Shri Nathwani]

Of course, they do not go as far as many Members on the opposite side would like.

**Shri Goray (Poona):** What about your own Members.

**Shri Nathwani:** I adhere to my view. Mr. Sadhan Chandra Gupta says that the protection of advisory committee was illusory. I beg to differ strongly from his views. He gave an instance that if a particular detenu were to challenge and say that at a particular time, on a particular date, he was not present at a particular place, he had no way or means of satisfying the authority. It is not so. Do you think that a person who has been a Judge of the High Court, who has been trained in that tradition, will not listen to him? Has he no right to defend himself? I can understand if only executive officers were to preside or remain present at the Advisory Board. But, once you grant that an impartial person, an independent person of the rank and position of the High Court Judge is to preside over the deliberations of the Advisory Committee, then it is no use saying that such a protection is merely illusory.

Sir, I would say one thing more with regard to extension. It is proposed to continue the Act for another three years. Looking to the circumstances which prevailed in the country, looking to the temper and training of the people and the transition through which we are passing, it seems reasonable. But in the past we have followed the precedent of bringing the matter before the House by way of moving a resolution. I do wish that that precedent should also be continued hereafter.

Lastly, I join those who say that we do not like that there should exist a statute like this on our Statute Book. But what is the remedy? Instead of shedding crocodile tears here, if Members of all the parties were to give their co-operation in instilling

and developing democratic traditions and ways, and thereby to educate the people in getting their wrongs redressed by peaceful and democratic methods a situation would soon arise where the Government may not like to equip itself with these wide powers.

In the end I would appeal to friends over there that instead of indulging in very eloquent speeches here they should see that while championing the cause of the people they take good care to direct themselves on proper, sound democratic lines.

**Shrimati Renuka Ray (Malda):** Mr. Chairman, Sir, I have been listening to some of the speeches on this Bill with great deal of interest. It is quite true that India has given to herself a Constitution whose very basis is the freedom of the individual and the freedom of expression and that this has been guaranteed through courts of law in our fundamental rights. And in this country today we still have to have a Preventive Detention Act and have to continue it. Yet it is regrettable. But, however regrettable it may be, we must be realistic. Conditions obtain in this country that make it a necessary to have such an Act at the present time.

Now, as I was listening to some of the speeches I was a little bit amused and also rather gratified to find that those who do not lay any store on personal freedom, the individual's freedom of expression, who do not believe in a system—or at least who do not claim to believe in a system—or a Constitution whose basis should be the personal liberty of the individual, they are the biggest claimants in favour of the withdrawal of this small measure.

**Shrimati Renu Chakravarty (Basirhat):** Oh, small measure!

**Shrimati Renuka Ray:** I shall be very grateful if the hon. Member opposite would allow me to proceed.

She can have her say later. This is a comparatively small measure for it does not transport people to unknown places. It does not by any means believe in stifling freedom of expression which is not turned into a licence. I feel that, perhaps, working under the Constitution of India, learning to understand and appreciate the Congress objectives gradually, certain persons are getting wedded to it and that may be one of the reasons why they have spoken about this. I give them the benefit of the doubt.

There are others also who have spoken about it and I do think that it is necessary to analyse this in a dispassionate way. What has happened actually? We know that this Preventive Detention Act as it is operating today is given the closest scrutiny. It is said by some Members that these Advisory Boards are illusory and not Boards at all. But they are not sinecure because we can see from the statistical information supplied to us that in 38 cases the Advisory Boards have released the persons whom the executive Government had sent up for preventive detention.

An hon. Member: After how many months?

Shrimati Benka Ray: Anyway, what is the position in India today? Is it possible to do without this Act? Can the law courts cope with it as they do in the U.K. and in countries where democracy has been there for some time. Let us look into this and acknowledge the fact that being one of the youngest democracies, perhaps, we do not yet understand the full implications of what parliamentary democracy means.

We know about the ballot box; we have utilised it, but have not yet fully understood its significance. Sometimes passions are aroused by certain persons and they are not necessarily political persons—and these passions are parochial, communal, caste and various other kinds. Perhaps, if action were taken in time to stop this, to stop those who provoke others, we

would not have had to see many things that have happened, many untoward incidents would have been prevented.

I would rather say to the Government that in spite of the fact that you have this Act, I do not understand why it was not utilised in the recent case in Madras so that many horrors need not have taken place. I would say that to the Government but I would not ask them to repeal this Act because it has got its use. I would ask the Government why it was not used in a proper manner; why it was not used where black-marketing and other evils are making the food position difficult. Why it is not used against them who black market in cement and other necessities or profiteer unduly? I would say that this Act must be used in the proper way much more than it is being used. Of course, misuse should not be allowed. It should not be misdirected.

I think the record of the Central Government and the State Governments shows that they have not misapplied it. It may have happened in one or two cases. But, immediately it has come to the notice of the higher authorities such things have not been allowed to go on.

It may have happened that somebody here or there was not treated exactly as he should be. But these Advisory Boards are there to see that the State Governments and the Central Government act cautiously. In spite of that, if even one single case is there where it goes wrong, I would beg of the hon. Home Minister—and the State Governments also—to take extreme care to see that nobody who ought not to be deprived of his liberty even for a day comes under the operation of this Act. But, I would not say that conditions are there in this country as to do away with this Act because this is the only way in which they could take action where they should take action.

Shri Dange has mentioned this morning something about the fact that

[Shrimati Renuka Ray]

they did not take action in Madras and why they did not. I also say that they should have taken action. But that is not an argument to do away with this Act; on the other hand, it is an argument for retaining it. That the Government have not utilised it on an important occasion is no argument for its withdrawal.

I would like to say another thing. There are some persons who have sarcastically said, 'Why don't you have this Act for all time; if you are keen about it, why should you come up time and again?'. I would say that it is a very good thing that the Government comes up with it time and again. It is necessary because it is Parliament which must decide at a given moment whether there is any necessity for this Act or not. It is necessary for Government to come to the Lok Sabha again and again and not to have an Act for all time, as has been mentioned by some.

As I said at the beginning, we see circumstances exist in the country where passions are aroused so easily over the language issue, over parochial issues, over casteism and so many other things. When those conditions do not obtain, when we have learnt that liberty does not mean licence, when we have understood the basis of parliamentary democracy, then the time will come when it will no longer be necessary to have an Act such as the Preventive Detention Act.

While I support the Bill for the present, I would again appeal to the Government to be very careful. I know their record has been good. But, it can be better still. There should not be any single instance where the Act is in any way misused. If there is, it must be investigated by the Advisory Boards and by the Central and State Governments at the highest levels.

I feel that in spite of the criticism that has been levelled against it, in spite of the fact that it has been called a black Bill, circumstances as they are

in India today, swayed as we are by various kinds of passion, which tend to wreck the very things we stand for. We shall have to keep this Act until conditions change.

Why cannot courts of law deal with these things? The courts of law can deal with these when they become facts, when there is evidence. When they deal with these things, they perhaps deal with those persons who are provoked by others and those others remain in the background. If we are to nip something in the bud, if we are to see that peace and tranquility is there for all citizens whether they belong to the majority or the minority, then, we have to have this Act.

I would like to say something to my hon. friend Shri T. K. Chaudhuri; but he is not in the house now. I would ask him to search his heart. Does he really believe that Congress and the Government that derives its power from it, intend this Act or any other Act to be something to be used against the free expression of opinion, political or otherwise? Does he not appreciate that when he was in imprisonment under a medieval colonial power and when he was a candidate for elections, it was the Congress party in West Bengal that decided that it would not oppose his candidature because it wanted him to have fair play? We have had two elections in a decade. During these two elections, is it not a fact that some of those who wanted to stand for elections, even though they had at one time been addicted to violence, have been released, so that they can come forward to the people and let the people judge for themselves in whose hands they will give the power to fashion the destiny of the country. Have there not been equal chances in whatever party, big or small, in this country so that real democracy may work? Is that not the objective with which the Congress and this Government have been working all through these ten years of freedom? Can they deny that? Can

they really believe that this Preventive Detention Bill is meant as a measure to stifle democracy? It is not meant to be such a measure. It is a measure to stifle intimidation, to stop violence, to stop terrorism of the people by small groups. It is not meant against the free expression of opinion in any manner and form as long as it does not provoke violence and bloodshed.

When we are aware of this, I think that we should judge the act dispassionately. We should judge it objectively. We should not be just led away by the fact that it sounds bad. True it had a bad sound once, a stigma attached to it because at one time this Preventive Detention Act was used by the alien rulers to stifle freedom in the country. But it is not the purpose of this Act today. It is quite otherwise now. If those friends who are opposing it would study it from this angle, I am sure that the opposition what they are putting forward today to the Bill would be withdrawn.

With these words, I support this Bill, with an appeal to the Government to be always careful, to always scrutinise it to see that it is never used against freedom or to stifle freedom in any way. We must see that freedom is guaranteed to the majority as well as to the minority. Freedom of expression and freedom of assembly—these are the basis of democracy. But we must see to it that this freedom in any way. We must see that this freedom does not become a weapon in the hands of some small groups, to break the larger freedom of the people of our country.

**Shri Mahanty (Dhenkanal):** I think all Opposition Members will be allowed to speak. We would like to know whether any of us will have any chance to speak on the Bill.

**Mr. Chairman:** It is the rule—and the hon. Member knows it and he has been sufficiently long in the Parliament—that whoever catches the eye of the Chair is called. That rule is

not going to be departed from in the case of any Member or any person whatsoever.

**Shri Braj Raj Singh:** All points of view and opinions are required on this Bill.

**Mr. Chairman:** This is the first principle of selection of speakers by the Chair: That every party, every State and every Member, where possible, should be given a chance.

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** Mr. Chairman, Sir, while I was listening very intently this morning to the speech of the hon. Leader of the Communist Party in India, I was wondering why he spent all his time only on two or three subjects one of which was absolutely irrelevant. You will find that the Preventive Detention Act has been devised for meeting situations arising out of different sets of facts and I would request this House to note that in section 3, a number of circumstances have been mentioned. Under these circumstances, the propriety or the need of this Bill cannot be solely ascertained by making reference to only one or two objects and not all.

In fact, I felt it was more a political speech solely meant against the Congress. So far as that is concerned, I may say that all that he stated was first with respect to the Samyukta Maharashtra movement. I can understand that to some extent there were a few detentions in connection with that movement. But I could not understand for the life of me how the Pratapgarh affair or the function could be brought into this debate at all. There was no detention so far as the great function connected with the Chatrapathi was concerned. In these circumstances, would we be entirely wrong if we were to point out that this occasion was made use of by my hon. friend only for political purposes?

I would point out here, even in that respect, that we have an effective answer. The hon. Member stated that it

[Shri Datar]

was the Congress Party that desired to consolidate its position by means of the use of this Act. There is a complete lie so far as this particular assertion is concerned. May I point out to this House that the Congress had a majority even in the Constituent Assembly. It was open to the Congress Party, the largest party then in the Constituent Assembly, to have permanently placed on the statute-book the law regarding preventive detention. When article 21 was under consideration, all that was done was this. The fundamental rights were duly declared and specified. When the Congress had been in power since 1946, they thought that under certain circumstances, at least, we were likely to have recourse to what can be called a preventive detention. That was why, in the Constituent Assembly itself, a direct provision has been made, that a law of preventive detention might be passed by Parliament. That is the reason why the matter was left there on 26th January, 1950, when we inaugurated the new Constitution.

But ironically enough, within one month, the first Home Minister of India had to come before Parliament with an enactment, because the situation was a critical one. Therefore, after passing a number of sleepless nights, as he very clearly pointed out—he stated that the conditions in India were not sufficiently developed so far as democracy was concerned and that was the reason why he had to bring a Bill—the late Shri Vallabhbhai Patel had to come to Parliament and ask for the passage of a preventive detention law for one year.

You will understand that all along, the ruling party has always been acting in an extremely modest and restrained spirit. That is what I am pointing out. It was open to us then, in 1950 itself, to have placed on the statute-book for all time to come the Prevention Detention Act. But it was not done.

Afterwards, it would be found that on three occasions we came before

the Parliament, and on each occasion, we asked only for a short period. In this connection, may I make reference to what we did in January, 1952? You are aware that the first general elections were going to be held then, and this Act was going to expire. Then all that we did was, we wanted the deliberate and well-considered opinion of the first Parliament of India, elected according to adult franchise. Therefore, all that the then Congress Government asked for was only a six months' duration. Then the matter was debated, if I mistake not, for weeks together and ultimately this House came to the conclusion that an extension was necessary.

Thus you will find that though extensions have been granted when the previous Bills were under consideration, what the Government did was, they liberalised the provisions of the whole Act. Therefore, it would be entirely wrong to say that the Congress wants to consolidate its power by means of such Acts. The Congress power is being swelled, not by these Acts, not by illegitimate means, but by the stronghold of the masses. Let the other parties understand. For some time, here or there, there might be aberrations at election time. But they are not for all time to come, please understand this quite correctly. On account of certain absolutely wrong motions of the type of propaganda that was carried on, we do not lose to a certain extent, as some parties seem to think. So far as the hold of the Congress is concerned, it has remained absolutely the same and during the second general elections to Parliament our majority has increased.

Under these circumstances, what is the correct view. Have we or have we not the backing of the country? Understand that we are not taking advantage of this great majority only for the purpose of bringing in certain laws. This is a law which naturally is unpalatable, which we do not necessarily like. But, after all, we have

to take into account also the conditions and, therefore, there ought to be a concession to the realities of the situation. Government have to cover against such contingencies.

If it is found that there are certain conditions which don't admit of a matter being taken up before a court—there are certain inherent difficulties which I shall point out very early—should the interests of the society be allowed to be sacrificed for the sake of a theoretical insistence on public rights. Please understand quite rightly that the Congress party has reckoned the consequence of insistence of this measure and in spite of that, the Congress party has been asking for its extension though it is quite unpalatable. It is perfectly open to the other parties to misrepresent our views and exploit us, as they are doing.

But we have taken a risk in the interest of the security of India, in the interest of the nourishment of the tender plant of democracy that has to be developed. May I also point out that in other countries also similar resort had to be had? Take the case of Ireland for example. Ireland became an independent democracy as early as 1921. But, after some time, they found that there were conditions which could not be effectively dealt with by recourse to normal law. Therefore, in 1939, they had to pass a similar law. We have got such laws in other countries also.

Now I would point out to this House that whatever is being done, is done solely with the interests of India and not for any party or any other purpose at all. Now, had the party interest reigned supreme with us, then naturally we would have placed it once for all in the statute book and we would have avoided this constant bickering discussion.

Parliament had opportunity to discuss it in connection with the various extensions of this Act. Then, we promised to lay on the Table every year what was being done under the Preventive Detention Act, and almost

every year after 1954 there have been discussions and debates. In all these cases, whatever we have done have been endorsed fully by this hon. House. Under these circumstances, it is absolutely futile to say that the Government tries to consolidate its power and the nation is not behind it. The nation is behind us because we are working on very important developmental schemes. The tender democracy is trying to work in as effective a manner as possible. While this work is being carried on, if there are impediments that are created here and there, more consciously than unconsciously, then Government have to step in and Government has to take action.

Now, may I point out to this House how the number of detenues has been constantly dwindling. We can come to our conclusion from this dwindling number. In 1950, when in February this particular Act was passed and brought into force, there were as many as 10,962 detenues. In 1951 the figure came almost to one-third. The figure was 2,316 as against 10,962 in the first year. Thereafter, in 1952 we had 1,116, and in 1953 it was 931. Then, from the figures that I have got here, I may say that from 1-10-54 to 31-12-55, that is, not only for one year but one year and 3 months, the total figure was 489. Thereafter, from 1-1-56 to 30th November 1956 the number was 200. From 1-11-56 to 30th September 1957 we had only 292. Thus, you will find that so far as the number of detenues is concerned, it is gradually falling low and in some cases it is falling low almost by a very steep leap down—from 10,000 we have come to 292.

Even with regard to these figures, may I point out to this House that in all these cases, whenever detention takes place, they are to be sent to the Advisory Board. So far as the Advisory Board is concerned, I am going to point out what the judges of the Supreme Court and the High Court have said about it. They have said that it is equal to a judicial body. That is what you have to understand.

[Shri Datar]

Now, my hon. friend, Mr. Dange, made light of what he called "the Anglo-Saxon jurisprudence". Now the Anglo-Saxon jurisprudence is one on which we have based our Constitution to a large extent. Our system of laws is also based on that. My hon. friend has absolutely no love for Anglo-Saxon jurisprudence. He has brought it only for the purpose of making an untenable argument out of it. We are following the Anglo-Saxon jurisprudence. But it has to be understood that there are interests or welfare of the State, which have to be above the interests or rights of the individual. Therefore it is that the Judges of the Supreme Court and the High Court have pointed out that in all these cases where the matter has been placed before an advisory body, if the advisory body has come to a particular conclusion, then they would not entertain a writ under article 232 of the Constitution. They have definitely stated that in all these cases it is to be treated as a judicial body. In fact, an argument was advanced that a man has no right of making a representation or getting his particular case proved and the High Courts have pointed out that in all such cases, it is open to the party to have the matter publicly heard now that they have been given the right of personal appearance. Under these circumstances, it is entirely wrong to contend, as some hon. Members have stated, that this particular right of appearance before the advisory board is only of an illusory nature. It is not of an illusory nature at all.

Then, may I point out that we are bound by law whenever a person has been detained and that the matter has to go before the advisory board. So far as this body is concerned, all the materials are supplied to them. They are persons who, either were High Court Judges or, are competent to be High Court Judges. So it is a judicial tribunal. And, as I have stated, they have differed or departed from the views of the State Governments only

in a few number of cases. I have got the figures here which show that in about 72 per cent of cases detention orders have been confirmed and only in 28 per cent of the cases have they been reversed.

May I point out in this connection certain figures, so far as Bombay was concerned?

In respect of Bombay it was true there was some agitation and unfortunately the Bombay State had to pass through a turmoil which was brought about by certain elements. I would not make a reference to any particular body or party. But the whole thing was an unfortunate affair, and it was Bombay's fortune, I repeat, that at that time our Shri Morarji Desai was the Chief Minister there. (Interruption.) My dear friends opposite have a grouse because he was not only a successful Chief Minister but an effective Chief Minister. We require men of his type for carrying on our State administration. Even with Shri Morarji Desai, on whom our opponents have showered the choicest abuses in an absolutely undeserved manner, there were in the whole of Bombay only 94 detentions. Please follow my figures. In the whole of Bombay, with the orgy of trouble through which unfortunately that State had to pass, there were only 94 detentions. Out of these 94, 51 were from greater Bombay, twenty-nine from Ahmedabad and fourteen from the rest of the then Bombay State.

Out of these, may I point out to the hon. Member in all humility that in 70 cases the orders were confirmed by the Advisory Council and only in 24 cases were these detainees ordered to be released?

Take the case of Punjab also. So far as the Punjab is concerned, there the number is not very large. We are aware that in Punjab unfortunately an agitation based on language

is going on. I am not going to enter into the merits of the case. But I am going to point out here that the Punjab Government, in spite of the very delicate situation that has unfortunately been created there, had had recourse only to the ordinary law in the largest number of cases. The figures were, roughly, on 24-11-57 there were about 7,885 persons arrested—seven thousand, mind. And how many were detentions?—we are not concerned with other arrests. Only twenty-five.

So far as Madras is concerned, in spite of the Ramnad district affair, there is only one detention, of the leader of that particular party, Shri Muthuramalinga Thevar, an hon. Member of this House I am not going to say anything further on that, because the case has been going on and he has been prosecuted under certain sections of the Indian Penal Code. That is the reason why I would not like to go into that case.

My hon. friend Shrimati Renuka Ray rightly asked the question as to whether we were properly or adequately making use of this particular Act. There is much force in what she contended, because if the Act is on the statute-book, then naturally the State Governments have to use it, and there might be certain difficulties. But may I point out to this House that it is not used against parties or against persons who belong to a different political party? The figures are eloquent. Even the Communist Party of India, their number is very small. (Interruption). Let hon. Members understand me. Merely because a detenu belongs to a political party, it does not mean that he is sacrosanct. The State Governments have not detained any person because he belongs to a particular party. (An Hon. Member: How many Congressmen?) but because there are certain other circumstances which bring him within the clutches of the law.

In spite of this may I point out that the number is extremely small?

Had we any vendetta against any party we would have made larger detentions and arrests, but that is not our point. (An Hon. Member: Try it). In spite of the criticism, provocative criticism that my hon. friends are indulging in, we are keeping our heads absolutely cool, because it is our duty to carry on the administration. We have got the burden or the responsibility or the privilege, as you call it, of carrying on the administration of this great country. My hon. friends can criticise here as they like, to their heart's content, and they need not even be present here when I am replying to some of those criticisms. That is the extent of, what I may call, want of responsibility. Therefore, you can criticise this particular matter as you like.

Then something was stated about the High Courts and the Supreme Court. So far as the High Courts and the Supreme Court are concerned I have got before me figures from 1-10-55 up to date, for the last two years. And in the numerous cases that were taken up before the High Courts, in how many cases were the detenus released? That is what I wish to point out to this House.

So far as the period from 1-10-55 to 31-12-55 is concerned, there was only one detenu who was released by the High Court. (An Hon. Member: Because the High Court is helpless). In the next period from 1-1-56 to 31-3-56 there were seven releases. This period, 1-1-56 to 31-3-56 is the period during which unfortunately a lot of trouble took place in Bombay. May I point out the figures? The releases by the High Courts and the Supreme Court, in all, were only seven detenus.

Let the matter be understood very clearly. We are being charged with something which we have not done. And I have got the break-up of the figure seven. It is Bombay 1, Delhi 5 and Rajasthan 1.

[Shri Datar].

Take the next period, 1-4-56 to 21-10-56. There were in all 17 releases, out of which Madhya Pradesh had 11 releases and Rajasthan six.

And, lastly, the most recent period, 1-11-56 to 30-9-57. There were only two cases. One was from the Allahabad High Court and the other was from the Bihar High Court.

Under these circumstances, from 1-10-55 to date, that is 30-9-57, that means during a period of two years, there were releases by the High Courts of 33 persons, and by the Supreme Court of only one person.

Shri A. K. Gopalan: May I have a clarification. Does the High Court go into the grounds of detention?

Shri Datar: My hon. friend or his party made an argument that High Courts have released detenus, and in fact Shri Dange stated that the moment the High Court was going to release the detenu we released him *suo motu*. Whatever it is, I am not going to enter into the constitutional aspect of the reference to the High Court. My hon. friends know more of such references, because it is they who set the machinery in motion and they take the consequences. But I am making an argument out of this. In the numerous cases that these detenus or the supporters of these detenus had taken to the High Courts, they have succeeded only in respect of a small number of thirty-seven. Does it show that the High Courts and the Supreme Court are not with us, especially in matters where they go before them?

Under these circumstances, I am afraid this is not the case and it is necessary to go further into this point. May I point out, what the Parliament has done was considered by the Supreme Court also and they have put it in an objective and detached manner far better than what we can do. They say:

"The object of the Preventive Detention Act was, no doubt, preventive, and not punitive detention. But, from this, it is erroneous to infer that the past penal acts of the would be detenu cannot be taken into account in finding out his likely course of action in the future. As a matter of fact, it is largely from the past activities of a person that his behaviour in the future can be inferred. The normal process of investigation and trial according to the Code of Criminal Procedure may be found to be ineffective and inadequate."

That is the reason why we have had recourse to this.

May I point out, Sir, that there are numerous anti-social elements in this country? It is not necessary for me to mention all of them. There are goondas. The definition of a goonda is extremely easy. My hon. friend Shri S. A. Dange did not know what a goonda was. Goondas are those who are anti-social persons, who have to be either proceeded against or they carry on their activities behind the scene. That is cowardly. It is true there are such persons, there are leaders of certain parties also, who would not face the dock, who would not come into the open, but who carry on activities behind. Under these circumstances, if, for example, in a particular case, there is a leader or misleader who is going to foment a particular violent agitation, would it not be proper, in the interests of the security of India to put him behind the bars by way of detention and thereby save lives of a number of persons and properties of large value? That is the object.

This is prevention: preventing anti-social acts, preventing the performance of certain things which run counter to the highest interests of the State. The underlying object of the Preventive Detention Act is prevention of certain acts. If, for example, we have certain facts before us,

sometimes, it may be difficult to prove them in a court of law. So far as much proof is concerned, we are governed by the provisions of the Indian Evidence Act, and the Code of Criminal Procedure. If, for example, there is apprehended danger to society, apprehended danger to public tranquillity or public order, can it not and should it not be prevented by putting these people behind the bars to save society?

As the courts have pointed out, there are two points. One is, fundamental rights have to be safeguarded. For the first time, the Constitution gave fundamental rights to the people. Even so, in the interests of public order, in the interests of the State, certain restrictions were laid down and in dealing with them, they also pointed out that there might be danger. When the Preventive Detention Act was devised, Parliament gave powers to the executive and the executive had to be given power for meeting such a situation. We are not out of the wood at all. There are reactionary people, highly anti-social elements. There are persons who say that they carry on parliamentary activities, but sometimes secretly they carry on things which are not in the highest interests of the nation at all. Under these circumstances, Government have to be cautious, Government have got to take care of the lives and properties of 37 crores of Indians. In this large number, if, sometimes, you have to take away here and there the rights of an individual, naturally, you have to accept this position. After all, the interests of society are larger than the interests of individuals. If, for example, as we have done in this case, such a small number have to be detained, I am confident that even this Parliament, like this previous Parliament would agree. You would agree that there are conditions in India even now where things are not what they ought to be. After all, for different considerations, not necessarily of legitimate propriety, but for different considerations, we carry on activities, not necessarily in

the interests of the country, but either of ourselves or of our party or certain other anti-social welfare or other things. Under these circumstances, the law of the land has to be strict.

My hon. friend Shri Naushir Bharucha, in a highly theoretical manner quoted Surendra Nath Banerjee, Pandit Malaviya and a number of other friends. It is not necessary at all. We are following in substance what they have done. Sardar Patel and other leaders who are of the same order.

An Hon. Member: Nehru.

Shri Datar: Yes; Shri Jawaharlal Nehru is also one of the greatest leaders as my hon. friend will agree. Even my hon. friend Shri S. A. Dange had to admit indirectly that he is a great man, a man of international status. If, for example, such great people desire that in the interests of India, under exceptional circumstances, you require a preventive law, Parliament ought to understand the implications of the realities of the situation and arm us with powers. Powers have been given to the States.

I may point out that certain safeguards, in the interests of the freedom of the individual have been laid down. They are fairly onerous. They are not so easy or light as, perhaps, some hon. Members think. They are not illusory. They are substantial. Therefore, on the one hand, the executive have been given powers to act in certain circumstances, provided this Preventive Detention Act can come into operation. That is one thing.

On the other hand, by way of corrective, it has been stated that in all these cases, the executive has to pass through a rigorous examination. If both the sides are properly understood, there will be no difficulty. For example, we do not want to make political capital out of this issue. I am confident that in their heart of hearts, my hon. friends opposite would realise

[Shri Datar].

that this Act has been conceived of and its extension asked for in the interests of India and not in the interests of any party at all.

चीज राज सिंह : सभापति महोदय, राज्य गृह मंत्री महोदय ने बहुत ही जोरदार शब्दों में यह दिक्षाने की कोशिश की कि निवारक निरोध कानून हिन्दुस्तान के लिये बहुत ही आवश्यक है। वे उन शब्दों के लिये कोई प्रतिष्ठा नहीं देना चाहते, उन का आदार नहीं करना चाहते जो इस सदन में इस कानून को देख करते हुए स्वर्गीय बल्लभ भाई पटेल ने पेश किये थे। वे यह भी नहीं देखना चाहते कि जब दस हजार आदिमियों को बन्द किया गया उस बक्त यह कानून एक साल के लिये जरूरी था, और उस के बाद जब डा० काट्जू ने गृह मंत्री की हेसियत से इस कानून को तीन साल के लिये रखा था तो उन्होंने यह बजह दी थी कि क्योंकि इस पालियामेंट के अस्त होने में अभी दो साल हैं और इस के अस्त होते ही आम चुनाव होंगे, इसलिये इस कानून को तीन साल के लिये बढ़ा दिया जाये। आज यह नहीं बताया गया कि इस कानून को तीन साल के लिये क्यों बढ़ाया जा रहा है। कहते हैं कि अब यह समझा गया है कि इस कानून द्वारा जो शक्ति मिली है उस का जारी रखना आवश्यक होगा इसलिये तीन साल के लिये इसे बढ़ा दिया जाये। आकिर कोई बजह होनी चाहिये कि इस को तीन साल के लिये क्यों बढ़ा दिया जाये।

कहते हैं कि आम कानून से सालन का काम नहीं चलाया जा सकता। अगर ऐसा

है तो इमेशा के लिये इस कानून को बढ़ा दीजिये। यह क्या जरूरी है कि एक, दो या तीन साल के लिये सामाजिक और फिर आप यहां आ कर कहें कि आम कानून से काम नहीं चलता है।

इस कानून को अम्बेल भवी के दोनों किनारों पर दो तरह से चलाया जाता है। यह देखा गया है कि मध्य प्रदेश में जो कि अम्बेल के दक्षिण में है इस कानून के अन्तर्गत एक साल में ४२ आदिमियों को डाकुओं को प्रश्न देने के जुम्म में नजरबन्द किया गया। रिपोर्ट से भी मह सार्वित होता है। लेकिन अम्बेल के उत्तर में, उत्तर प्रदेश के अगरा जिले में, जहां कि दस्युराज मान सिंह रहता था, डाकुओं को प्रश्न देने के जुम्म में ताजीरात हिन्द की वफा २१६ के अन्तर्गत मुकदमे चलाये गये और इस तरह उस जीव को कट्टोल किया गया। तो यह को० बजह नहीं है कि साधारण कानून से काम नहीं चलता इस लिये इस कानून को बढ़ाया जाये।

Mr. Chairman: I believe the hon. Member is likely to take long-time to finish his speech.

Shri Braj Singh: Yes.

Mr. Chairman: The House will then stand adjourned till 11 A.M. to morrow.

17 hrs.

The Lok Sabha then adjourned at Eleven of the Clock on Tuesday the 10th December, 1957.

## DAILY DIGEST

[Monday, 9th December, 1957]

## ORAL ANSWERS TO QUESTIONS

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901	Second Pay Commission.	4126-29
902	Council of Scientific and Industrial Research Grants to Scientists	4129-31
903	Refractory storage building at Bhilai	4131-32
904	High Altitude Research Station	4132-33
906	World Youth Organisation	4133-36
907	India Re-insurance Corporation	4136-37
909	State Bank of India.	4137-40
912	Chittor Fort.	4140-42
913	State Finance Ministers' Conference	4142-45
914	Opium Factory, Ghazipur	4145-47
916	National Council of Applied Economics Research.	4147-49
918	Lignite Deposits in Kashmir.	4149-50
919	Enquiry into death of Dr. B.R.Ambedkar.	4150-56
920	Admission to Delhi Colleges	4156-58
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## WRITTEN ANSWERS TO QUESTIONS

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910	Youth Festivals	4160
912	Temples in Himachal Pradesh.	4160-61
915	Money-Lenders in Delhi	4161
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Colours No.	S.Q.	Subject	COLUMNS
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924		Closure of mines in Punjab.	4163
925		Election of Shri V. V. Giri.	4164
926		Training in Atomic Warfare.	4164-65
927		Senior Services Committee Report	4165
928		Backward classes	4165-66
487		Delegation of Indian Educationists to U.S.S.R.	4166

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No.

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1296	Water supply in Shillong	4168-69
1297	Educational grants	4169-70
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1299	Indian Police Service Training Centre, Abu.	4171-72
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1302	Services rules	4174-75
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1306	Recruitment of clerks	4177
1307	Survey and settlement of land in Tripura	4177-78
1308	Hindi examinations	4178-79
1309	Calendar reforms committee report	4179
1310	Clay for Chinaware	4179-80
1311	1951 Census	4180-81
1312	Delhi Police Flying Squad	4181
1313	All India Service Officers' History	4181-82
1314	Paper requirements of Government Security Press.	4182-83
1315	Extension of services in Government Security Press.	4183
1316	Government security press news	4183

WRITTEN ANSWERS TO QUESTIONS—*Contd.*

U.S.Q. No.	Subject	COLUMNS
1317	Transfer of Security money deposits from Pakistan	4184-85
1318	Welfare extension projects in Marathwada	4185
1329	Library Movement in Marathwada	4185
1320	Bombay High Court	4186
1321	Mercy petitions	4186-87
1322	Apprentices in ordnance factories	4187
1323	Release of prisoners	4187
1324	P.T.O. Concessions	4187
1325	Welfare of Scheduled Castes in Rajasthan	4188
1326	Naval Training	4188
1327	Multi-purpose schools in Himachal Pradesh	4188
1328	Courses in journalism	4189
1329	Fatehpur Sikri Monuments	4189
1330	Development of Regional Languages in Punjab	4189-90
1331	Scientific investigation of Eastern Himalayas	4190
1332	All India Council for Secondary Education	4190-91
1333	Survey work and production of Maps	4191
1334	Delhi University	4192
1335	Geological survey of U.P.	4192-94
1336	Joint Stock Companies	4194-95
1337	Joint Stock Companies	4194-95
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1339	Ex-Servicemen of Bikaner	4196
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1345	Primary School Chowkidar	4200
1346	Nepalis in Manipur	4200-01
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1348	U. S. capital investments in India	4201-02
1349	Purchasing Missions Abroad	4202
1350	Car Nicobar Training Company	4202

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1353	Anti-corruption Committee	4204
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1355	Central Excise Department	4205-06
1356	Security Press, Nasik	4206-07
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1360	Hindi Technical Terminology	4209
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1364	National Book Trust	4213
1365	"Bhagwan Buddha"	4213
1366	Life Insurance Corporation	4213-14
1367	Pakistan Nationals in India	4214
1368	Purchase of a Dredger by Navy	4214-15
1369	Customs regulations	4215
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1371	Hindi teachers in defence establishments	4216
1373	Rehabilitation Finance Administration	4217
1374	Festival Advance	4217-18
1375	U.S.S.R. Government Scholarships	4218-19
PAPERS LAID ON THE TABLE		4219-20

A copy of each of the following papers was laid on the Table under Article 323(1) of the Constitution :

- Report of the Union Public Service Commission for the period 1st April, 1956 to 31st March, 1957.
- Memorandum explaining the reasons for non-acceptance of the Commission's advice during 1956-57.

**MESSAGE FROM RAJYA SABHA**

4220

Secretary reported a message from Rajya Sabha, that at its sitting held on the 4th December, 1957, Rajya Sabha had agreed without any amendment to the Navy Bill, passed by Lok Sabha on the 21st November, 1957.

**EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE**

4220

Time for presentation of the Report of the Joint Committee on the {Miners} and Minerals (Regulation & Development) Bill was

extended upto the 16th December, 1957.

**BILL UNDER CONSIDERATION**

4221-4336-

The Minister of Home Affairs (Pandit G. B. Pant) moved the motion for consideration of the Preventive Detention (Continuance) Bill. The discussion was not concluded.

**AGENDA FOR THURSDAY, 10TH DECEMBER, 1957.**

Further consideration and passing of the Preventive Detention (Continuance) Bill and consideration of the Payment of Wages (Amendment) Bill.

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