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Monday, November 26, 1962
Agrahayana 5, 1884 (Saka)

LOK SABHA DEBATES

Third Session
(Third Lok Sabha)



LOK SABHA SECRETARIAT
New Delhi

CONTENTS

[Third Series, Volume X—November 21 to December 4, 1962/Kartika 30 to Agrahayana 13, 1884 (Saka)]

COLUMNS

No. 11.—Wednesday, November 21, 1962/Kartika 30, 1884 (Saka)—

Oral Answers to Questions—

Starred Questions Nos. 290 to 300, 302 to 306 and 308 2609—50

Written Answers to Questions—

Starred Questions Nos. 301, 307 and 309 to 318 2650—57

Unstarred Questions Nos. 642 to 697 2657—89

Statement re: reported Chinese offer of Cease-fire

Papers laid on the Table 2689—2702

Messages from Rajya Sabha 2703—05

Public Accounts Committee— 2705—06

Second Report 2706—07

Customs Bill 2707—2802

Motion to consider 2707—48

Clauses 3 to 101, 103 to 122, 124 to 130, 132 to 161 and Clause 2, 102, 123, 131 and 1 2748—2803

Motion to pass 2802

Defence of India Bill—

Motion to consider 2802—24

Business of the House 2824—26

Daily Digest 2827—34

No. 12.—Thursday, November 22, 1962/Agrahayana 1, 1884 (Saka)—

Oral Answers to Questions—

Starred Questions Nos. 321—323, 325, 327—336, 338 2835—71

Written Answers to Questions—

Starred Questions Nos. 320, 324, 326, 337, 339 2871—74

Unstarred Questions Nos. 698-700, 702-771 2874—2921

Re: Cease-fire on India-China border 2922—26

Papers laid on the Table 2926—30

Public Accounts Committee—

Third-report 2930

Arrest of Member 2930

Leave of Absence from sittings of the House 2931

Ponjicherry (Administration) Bill 2932—44

Motion to consider 2932—43

Clauses 2 to 20 and 1 2943—44

Motion to pass 2944

Business of the House 2944, 2969—75, 3068—70

Indian Tariff (Amendment) Bill 2945—56, 2958—68

Motion to consider 2945—56—2958—67

Clauses 1 and 2 2967

COLUMNS

Motion to pass	2968
<i>Re.</i> Extension of Session	2956—58
Defence of India Bill—	
Motion consider	2968—69, 2976—3068
Daily Digest	3071—78
<i>No. 13.—Friday, November 23, 1962/Agrahayana 2, 1884 (Saka)—</i>	
Oral Answers to Questions—	
Starred Questions Nos. 341 to 361, and 363	3079—3120
Short Notice Question No. 1	3121—22
Written Answers to Questions—	
Starred Questions Nos. 340, 362 and 364 to 369	3122—26
Unstarred Questions Nos. 772 to 857	3126—76
Papers laid on the Table	3177—79
Message from Rajya Sabha	3180
Estimates Committee Report—	
Eleventh Report	3180
Business of the House	3180—86, 3240
Bills introduced—	
1. Taxation Laws (Amendment) Bill	3187
2. Constitution (Fifteenth Amendment) Bill	3188
3. Major Port Trusts Bill	3187
4. Textiles Committee Bill	3188
<i>Re.</i> Note on publicity in connection with Chinese aggression.	3188
Defence of India Bill—	
Motion to consider	3189—3239
Resolution <i>re.</i> Economy during emergency	3240—3310
Resolution <i>re.</i> Ayurvedic system	3310—14
Daily Digest	3315—22
<i>No. 14.—Monday, November 26, 1962/Agrahayana 5, 1884 (Saka)—</i>	
Calling Attention to Matter of Urgent Public Importance—	
Cracker explosion in Delhi	3323—25
Papers laid on the Table	3325—26
Message from Rajya Sabha	3327
Minipur (Sales of Motor Spirit and Lubricants) Taxation Bill— <i>Introduced</i>	3327
<i>Re:</i> Cease-fire	3328—36
Defence of India Bill	3337—3512
Motion to consider	3337—3421
Clauses 2 and 3	3421—3512
Daily Digest	3513—14
<i>No. 15.—Tuesday, November 27, 1962/Agrahayana, 6, 1884 (Saka)—</i>	
Oral Answers to Questions—	
Short Notice Question No. 2	3515—17
Papers laid on the Table	3517—18
Defence of India Bill—	
Clauses 3, 4, 7 to 12, 16, 17, 5, 6, 13, 14, 15 and 18	3518—89
<i>Re.</i> Motion <i>re.</i> Price of Sugarcane	3589—3662
Daily Digest	3563—64

No. 16.—Wednesday, November 28, 1962/Agrahayana 7, 1884 (Saka)—

Oral Answer to Question—

Short Notice Question No. 3	3665—70
<i>Re: Cease-fire</i>	3671
Papers laid on the Table	3671—72
Message from Rajya Sabha	3672
Committee on Private Members' Bills and Resolutions—	
Eleventh Report	3672
Defence of India Bill	3673—3753, 3754—66
Clauses 18 to New clauses 49 and 1	3673—3728
Motion to pass, as amended	3728—53, 3754—66
Arrest of Member	3753—54
State-Associated Banks (Miscellaneous Provisions) Bill	3767—81
Motion to consider	3767—81
Clauses 2 to 6 and 1	3781
Motion to pass	3781
Employees' Provident Funds (Amendment) Bill	3781—3808
Motion to consider, as passed by Rajya Sabha	3781—3808
Clauses 1 and 2	3808
Motion to pass	3808
Warehousing Corporations Bill—	
Motion to consider	3809—12
Daily Digest	3813—14

No. 17.—Thursday, November 29, 1962/Agrahayana 8, 1884 (Saka)—

Papers laid on the Table	3815—16
Message from Rajya Sabha	[3816]
Hindi Sahitya Sammelan (Amendment) Bill—	
Laid on the Table as passed by Rajya Sabha	3816
Warehousing Corporations Bill	3817—3918
Motion to consider	3817—3914
Clauses 2 to 43, and 1	3914—18
Motion to pass	3918
Workmen's Compensation (Amendment) Bill—	
Motion to consider	3918—42
Daily Digest	3943—44

No. 18.—Friday November 30, 1962/Agrahayana, 9, 1884 (Saka)—

Paper laid on the Table	3945
Business of the House	3945—50
<i>Re: Calling Attention Notice</i>	3950
Workmen's Compensation (Amendment) Bill	3950—59, 3959—73, 3978—91
Motion to consider	3950—59, 3959—73, 3978—89
Clauses 2 to 12 and 1	3989—91
Motion to pass, as amended	3991
Calling Attention to Matter of Urgent Public Importance	
Proposed talk between India and Pakistan on Kashmir	3973—78

COLUMNS

Multi-Unit Co-operative Societies (Amendment) Bill	3991—4000
Motion to consider	3991—99
Clauses 2, 3 and 1	3999—4000
Motion to pass	4000
Delimitation Commission Bill—	
Motion to consider	4000—14
Committee on Private Members' Bills and Resolutions—	
Eleventh Report	4014—15
Bills introduced—	
1. Compensation (Amendment) Bill (<i>Amendment of sections 15, 30 etc. by Shri P. L. Barupal</i>)	4015
2. Income-tax (Amendment) Bill (<i>Amendment of section 2</i>) by Shri C. K. Bhattacharyya	4015—46
Constitution (Amendment) Bill— <i>Negatived (Amendment of Article 226) by Shri D C Sharma</i> —	
Motion to consider	4016—21
Delhi Rent Control (Amendment) Bill— <i>Withdrawn (Amendment of sections 14 and 20 and insertion of new section 48A) by Shri Naval Prabhakar</i> —	
Motion to consider	4021—58
Daily Digest	4059—60
<i>No 19.—Tuesday, December 3, 1962/Agrahayana, 12, 1884 (Saka)—</i>	
Calling Attention to Matters of Urgent Public Importance—	
(i) Reported existence of Chinese Espionage ring in Assam and NEFA and	4061—66
(ii) Reported attack on Dr. Gopal	4066—70
President's assent to Bills	4070
Statement re. location of Third Nuclear Power Station	4071—73
Re: Cease fire	4073—79
Bills introduced—	
(1) Delhi Motor Vehicles Taxation Bill	4079
(2) Personnel Injuries (Emergency Provisions) Bill; and	4080
(3) Indian Tariff (Second Amendment) Bill	4080
Delimitation Commission Bill	4081—4210
Motion to consider	4081—4142
Clauses 2 to 11, and 1	4142—4209
Motion to pass, as amended	4209—10
Detention of a Member	4210
Daily Digest	4211—12
<i>No. 20—Tuesday, December 4, 1962/Agrahayana 13, 1884 (Saka)—</i>	
Oral Answers to Questions—	
Short Notice Questions Nos. 4 and 5	4213—20
Calling Attention to Matters of Urgent Public Importance—	
(i) Supply of MIGs	4220—27
(ii) Firing by Chinese on Indian soldiers	4227—31
Re: Reported Railway accident	4231
Papers laid on the Table	4231
Message from Rajya Sabha	4232
Gift Tax (Amendment) Bill	4232—89
Motion to consider	4232—89
Clauses 2 to 36 and 1	4289

COLUMNS

Motion to pass	4289
Taxation Laws (Amendment) Bill—	
Motion to consider	4289—94
Motion re: Report on Indian and State Administrative Services	4294—4384
Business Advisory Committee—	
Tenth Report	4384
Daily Digest	4385—86

N.B.—The sign + marked above the 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

3323

3324

LOK SABHA

Monday, November 26, 1962/Agrahayana 5, 1884 (Saka)

The Lok Sabha met at Twelve of the Clock

[MR. SPEAKER in the Chair]

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

CRACKER EXPLOSION IN DELHI

श्री ऊटीया (शहडोल): अध्यक्ष महोदय, मैं नियम १६७ के अन्तर्गत गृह-कार्य मंत्री का ध्यान निम्न अविलम्बनीय लोक महत्व के विषय की ओर आकृष्ट करता हूँ और चाहता हूँ कि वह इस सम्बन्ध में अपना वक्तव्य दें:—

“दिल्ली में २२ नवम्बर, १९६२ को दिल्ली क्लाय मिल्स के निकट पटाखे का विस्फोट।”

(श्री दातार): २२ नवम्बर, १९६२ शाम के लगभग ७ बजकर २८ मिनट पर बहा-दुरगढ़ रोड़ में दिल्ली क्लाय मिल्स के दरवाजे के समीप एक बम फटा। उस समय मिल्स के दोपहर बाद की शिफ्ट वाले मिल-मजदूर आधे धन्ते की तफरीह के बाद लौट रहे थे, और परिणामतः बम फटने के स्थान पर बहुत भीड़ हो गई। १८ व्यक्तियों को मामूली चोटें आईं। उन्हें हस्पताल ले जाया गया और उन्हें प्राथमिक चिकित्सा सहायता दी गई।

2234 (A1) LS—1.

उनमें से १६ को हस्पताल से छुट्टी दे दी गई, तथा दो को निरीक्षणाधीन रखा गया है। बम साधारण प्रकार का था, और इसके अवशेष इन्स्पेक्टर आफ एक्सप्लो-सिङ्ज के परीक्षणार्थ भेज दिए गए हैं। विस्फोटक पदार्थ अधिनियम की धारा ६ के अधीन मामला दर्ज कर लिया गया है और तहकीकात की जा रही है।

On the 22nd November, 1962, at about 7.28 P.M. there was a cracker explosion on Bahadurgarh Road near the gate of the Delhi Cloth Mills. At that time the mill workers on the afternoon shift were returning to the mill after half-an-hour recess and consequently there was a thick crowd at the scene of explosion. 18 persons received minor injuries. They were taken to hospital and given first aid. While 16 of them were discharged, 2 have been kept under observation. The cracker was of an ordinary type and its remnants have been sent to the Inspector of Explosives for examination. A case under section 6 of the Explosives Act has been registered and is being investigated.

श्री ऊटीया : पहले जो और भी विस्फोट दिल्ली शहर में हुए हैं यह उसी प्रकार का है अथवा कोई नई प्रकार का है यानी देश की नई स्थिति से कोई सम्बन्धित है?

Shri Datar: The inference of the hon. Member is correct. So far as these two explosions are concerned, Government are finding something different from the one that we had noticed in the earlier explosions. Therefore, Government are taking special steps to investigate this fully.

Shri Hem Barua (Gauhati): In spite of the fact that this cracker explosion has been described by the hon. Minister as ordinary, it has injured as many as 18 persons. May I know whether it has been ascertained if it is connected with any political motive?

Shri Datar: We are awaiting the report of the Examiner of Explosives for taking further action and for finding out what exactly they amount to.

Mr. Speaker: Sarvashri Ram Sewak Yadav, Bhupendra Narayan Mandal and Bagri are absent. Shri S. M. Banerjee.

Shri S. M. Banerjee (Kanpur): May I know whether some of the persons have been arrested by those who have enquired into this matter?

Shri Datar: There is a Special Superintendent of Police and a large police squad has been placed at his disposal. They are making special enquiries. So far as the recent explosions are concerned, three persons have been challaned and in one case conviction has already been obtained.

Mr. Speaker: He wants to know whether any persons have been arrested.

Shri Datar: So far as the last explosion is concerned, 50 persons have been interrogated. The question is as to whether some of them should be placed under arrest.

12.07 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER THE ALL INDIA SERVICES ACT

The Minister of State in the Ministry of Home Affairs (Shri Datar): I Beg to lay on the Table a copy each of the following Notifications under

sub-section (2) of section 3 of the All India Services Act, 1951:—

(i) GSR No. 1140, dated the 1st September, 1962, making certain further amendment to Schedule III to the Indian Administrative Service (Pay) Rules, 1954. [Placed in Library, see No. LT-609/62].

(ii) The Indian Police Service (Uniform) Amendment Rules, 1962, published in Notification No. GSR 1423, dated the 3rd November, 1962. [Placed in Library, see No. LT-610/62].

NOTIFICATIONS UNDER THE EMPLOYEES' PROVIDENT FUNDS (TENTH AMENDMENT) SCHEME AND THE MINIMUM WAGES (CENTRAL) SECOND AMENDMENT RULES

The Deputy Minister in the Ministry of Labour, Employment and for Planning (Shri C. R. Pattabhi Raman): I beg to lay on the Table a copy each of the following papers:

(i) The Employees' Provident Funds (Tenth Amendment) Scheme, 1962, published in Notification No. GSR 1501 dated the 10th November, 1962 under sub-section (2) of section 7 of the Employees' Provident Funds Act, 1952. [Placed in Library, see No. LT-611/62].

(ii) The Minimum Wages (Central) Second Amendment Rules, 1962, published in Notification No. GSR 1542, dated the 17th November, 1962, under section 30A of the Minimum Wages Act, 1948. [Placed in Library, see No. LT-612/62].

12.08 hrs.

12.09 hrs.

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 23rd November, 1962, agreed without any amendment to the Customs Bill, 1962, which was passed by the Lok Sabha at its sitting held on the 21st November, 1962."

12.08½ hrs.

MANIPUR (SALES OF MOTOR SPIRIT AND LUBRICANTS) TAXATION BILL*

The Minister of Transport and Communications (Shri Jagjivan Ram): Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to the levy of a tax on sales of motor spirit and lubricants in the Union territory of Manipur.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to consolidate and amend the law relating to the levy of a tax on sales of motor spirit and lubricants in the Union territory of Manipur."

The motion was adopted.

Shri Jagjivan Ram: I introduce the Bill.

RE: CEASE-FIRE

Shri Ranga (Chittoor): Are you proceeding to the normal business of the House?

Mr. Speaker: Yes.

Shri Ranga: What about the statement by the Prime Minister?

Mr. Speaker: I have received many notices about the cease-fire at Tezpur. Is the hon. Prime Minister making any statement on that?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): No, Sir. There is no further news to give.

Shri P. K. Deo (Kalahandi): I beg to submit that to fully understand the implications of this cease-fire proposal we must have a big map in the library, because we are not able to follow the November 1959 line and the real intention of the Chinese. So, we must have a map before us.

Shri Tridib Kumar Chaudhuri (Berhampur): Today's papers have reported that the Law Minister, accompanied by the Secretary-General of the External Affairs Ministry, is going to Cairo and to Ghana to explain our point of view with regard to the cease-fire to the Governments of UAR and Ghana. May I know whether there is any attempted mediation by these two Governments with regard to cease-fire?

श्री प्रकाशबीर शास्त्री (बिजनौर): अध्यक्ष महोदय, चीन की ओर से युद्ध-विराम का जो प्रस्ताव रखा गया है और इसके सम्बन्ध में नवम्बर मन् १९५६ की रेखा के पीछे चले जाने का उन्होंने अपनी ओर से मुझाव दिया है, प्रधान मंत्री जी का कहना

*Published in the Gazette of India dated 26th November, 1962.

Extraordinary Part II—Section 2,

†Introduced with the recommendation of the President.

[श्री प्रकाशवीर शास्त्री]

है कि ८ सितम्बर, १९६२ के पहले की लाइन तक उनको पीछे हटना चाहिए औपर से देखने में ऐसा प्रतीत होता है कि चीन का जो प्रस्ताव है वह हमारे प्रस्ताव से कहीं अधिक उदार है लेकिन जो आज परराष्ट्र मंत्रालय के एक प्रवक्ता का वक्तव्य प्रकाशित हुआ वह सर्वथा भिन्न है तो क्या मैं यह जान सकता हूँ कि उस भ्रम को अपने देश में और दूसरे देशों में दूर करने के लिए भी जब परराष्ट्र मंत्रालय का एक प्रवक्ता वक्तव्य देसकता है तो पराष्ट्रमंत्री भी क्या आज इस स्थिति में है कि वह इस सम्बन्ध में अपने देश का और दूसरे देशों के भ्रम का भी निगरानी करें कि हमारी सरकार की स्थिति क्या है?

like to know whether an effort has been made to put wise all these various governments and peoples and also the press of all the countries in the world as to India's attitude in regard to this Chinese proposal which so many of us from different parts of the House do consider as a treacherous and a very tricky one. If so, how soon would it be possible for the Government to let the country know what attitude they have taken in regard to this matter, apart from asking for this clarification? We would also like to know the significance of these enquiries that the Government of India has made for clarification. With what intent is it? Is it in order to make it possible again to go into negotiations as the Chinese Government has suggested, or is it for any other purpose?

Shri Hem Barua (Gauhati): My calling-attention notice is about the actual position in Tezpur so far as the civil administration is concerned. I have just now got a copy of an order issued on the 22nd November by the Commissioner of Civil Supplies to the Government of India stationed at Shillong asking the Central Government servants in Assam to evacuate their families from Assam. If that is so, is it not sufficient to create panic among the rest of the population?

Mr. Speaker: What is the use of carrying on all this correspondence if the whole thing has to be stated as to what their intention is? Shri Daji.

Shri S. M. Banerjee: Clarification.

Shri Daji (Indore): There are confusing reports about our Army personnel who were supposed to have been trapped or surrounded. Can the Government clarify as to what has become to our Army between Se La and Bomdi La?

Mr. Speaker: There are so many different aspects to the various questions that have been asked here. I have also received several notices and I have sent those notices on to the Government. But so far as these questions are concerned, I would leave it to the hon. Prime Minister whether he is prepared to make any statement and what information he can give in respect of them.

Shri Surendranath Dwivedy (Kendrapara): I would also like to know....

Mr. Speaker: After I have finished?

Shri Ranga: I am glad that at long last they have done the right thing in deputing the hon. Law Minister to go to some of these countries and explain India's position. We would

Shri Surendranath Dwivedy: I could not catch your eye because you were looking to the other side.

Mr. Speaker: I thought one hon. Member from his group had spoken.

Shri Surendranath Dwivedy: What I want to say is a different thing. He spoke about his 'Calling-attention notice'. What I want to know is this. Is the Government of India considering taking up or raising this question in the UN? We find from today's newspapers that Shri Chakravarti has said that we will raise this question if it will be advantageous to us.

Mr. Speaker: It is not that we will take it up. He has not committed himself. He has said that the possibility cannot be ruled out.

Shri Surendranath Dwivedy: Has this also been considered by the Government of India?

Shri Ranga: He was awaiting instructions from Delhi.

Shri Jawaharlal Nehru: There have been so many questions of different types that I am a bit confused and may forget answering some of them.

Mr. Speaker: My intention was only to bring to the notice of the hon. Prime Minister all these questions. The hon. Prime Minister might choose which are to be answered at this moment.

Shri Jawaharlal Nehru: I shall answer as many as I can remember here and now.

The first thing is about the hon. Law Minister and the Secretary-General going to Cairo and Accra. That is true. Very probably the Deputy Foreign Minister, Shrimati Lakshmi Menon, will go to some countries, that is, Burma, Indonesia and possibly Cambodia. These countries are those that have been invited by the Ceylonese Government to go very soon, early in December, to

Colombo to discuss these matters connected with our conflict with China. We were not, naturally invited and we were not even informed of it. Afterwards we heard about it. The countries invited are the UAR, Ghana, Indonesia, Burma and Cambodia. I think, that is the whole number; I cannot think of any others. So, we decided to send my colleague the Law Minister and the Secretary-General to Africa, to these two countries invited from Africa and the Deputy Foreign Minister and probably some senior official of the External Affairs Ministry to the countries in Asia. That is apart from any others whom we may send to other places. Their object is to explain our position more thoroughly in regard to these so-called proposals of the Chinese Government so that there may be no confusion in their mind as to what we think about them.

About the other questions, I really forget.....

Shri S. M. Banerjee: About clarification.

Shri Ranga: What about informing all other Governments? Press campaign?

Shri Jawaharlal Nehru: We, of course, inform all Governments through our Ambassadors and in other ways. But, these we specially decided to approach because they were going to meet in Colombo soon at the invitation of the Prime Minister of Ceylon.

The hon. Member asked for clarification. It is natural to ask for clarifications of various points which are not clear and in so far as they can be cleared it will be desirable so that our reply should be based not merely on any doubt about these matters. We have not received a full reply yet. Possibly in a day or two we will get it.

Shri Ranga: Does the Prime Minister expect to receive their reply so

[Shri Ranga]

soon in the light of the way in which the Chinese have been taking so long a time in all their replies?

Shri Jawaharlal Nehru: Sometimes their replies come soon. Sometimes they take a long time. I cannot say precisely.

Shri Hem Barua: Position of civil defence in Tezpur.

Shri Jawaharlal Nehru: I think the position in Tezpur is almost normal now. The hon. Member mentioned something about evacuation.

Shri Hem Barua: There is an order by the Commissioner of Civil Supplies and Movements and Liaison Officer with the Government of India. It says:

"Employees whose homes are outside Assam may, however, be anxious to send away their families; this the State Government desires should be done in as orderly a manner as possible. Arrangements are accordingly being made to give all facilities for such employees to send their families home."

I say, any order after the Cease-fire was announced, would it not create panic among the rest of the population in the State?

Shri Jawaharlal Nehru: May I know the date of that?

Shri Hem Barua: It was issued on 21st November, 1962. It was circulated to the different offices on the 22nd November: this month.

Shri Jawaharlal Nehru: I am afraid this notice was issued by some official in the Assam Government.

Shri Hem Barua: No. He is an officer with the Government of India stationed at Shillong. Here it clearly says: Commissioner of Civil Supplies and Movements and Liaison Officer with the Government of India,....

The Minister of Railways (Shri Swaran Singh): That means Assam Officer for liaison work with us.

Shri Jawaharlal Nehru: Assam Government's officer in liaison with our Government. I cannot say in what conditions he sent it. But, it does not represent our view point. I agree with the hon. Member that there should be broadly speaking no question of anybody withdrawing from where he is. This refers, I think, to women and children chiefly.

Mr. Speaker: Women and children.

Shri Hem Barua: Central Government employees....

Shri Hari Vishnu Kamath (Hoshangabad): This should be rescinded by the Government here.

Shri Hem Barua: Withdrawn.

Mr. Speaker: Order, order. Now that it has been brought to the notice of the Government, the Government has a definite opinion about that and the Government would act accordingly. There was one other proposal whether it would be possible to place a map of those lines in the Central Hall so that Members may have an idea and might be able to appreciate what the difference is.

Shri Ranga: How is that such an important order came to be passed without the knowledge at all of the Government of India? (Interruption).

Mr. Speaker: Order, order. Under the shadow of a previous event, some officer issued it. (Interruption). Order, order.

Shri Jawaharlal Nehru: Certain orders were issued, I believe, some little time ago that in the event of any contingency arising, what should be done so that they may be prepared for it.

Shri Hem Barua: It is not like that. The language is different.

Shri Jawaharlal Nehru: I quite agree with the hon. Member that it was undesirable to issue this order. And those orders were perhaps misinterpreted or exaggerated by the local people.

Mr. Speaker: In regard to the maps, can anything be said for the present?

Shri Jawaharlal Nehru: I shall endeavour to have some kind of map placed in the Central Hall.

Mr. Speaker: Is there any information about those jawans of ours who were taken in between Se La and Momdi La?

Shri Jawaharlal Nehru: Some of them have returned. I believe—I am not quite sure—about a thousand of them have returned.

Shri Hem Barua: There are conflicting press reports that the number is between 1000 and 3000.

Shri Indrajit Gupta (Calcutta South West): What is the estimate of the number of those persons?

Shri Jawaharlal Nehru: They have not returned actually to headquarters. A few of them have been brought back when they were traced by our helicopters. The exact number is not known. It is an estimate. I hope that those people will be soon back. But that does not comprise of all those; it is possible that some of them, quite a fair number, may be in a different column round about.

Shri Tridib Kumar Chaudhuri: Some of us had given calling-attention-notices about the evacuation of Tezpur and the present position there. The Prime Minister said that Tezpur was almost normal. That is what the papers report. But in connection with the evacuation of the civil administration, both the Central Government's civil administration and the State Government's civil administration, various reports have been appearing in the papers, in the Calcutta papers, in the Assam papers and also in the Delhi papers. It is also

reported that one Deputy Commissioner who actually fled or disappeared has been suspended. Of course, he has only been suspended; actually, he ought to have been dismissed....

Shri Frank Anthony (Nominated—Anglo-Indians): He should have been shot.

Shri Tridib Kumar Chaudhuri: or court-martialled; but, anyway....

Mr. Speaker: Dismissal would not have preceded suspension.

Shri Tridib Kumar Chaudhuri: Anyway, about this whole episode of the evacuation of Tezpur....

Mr. Speaker: What information does the hon. Member want?

Shri Tridib Kumar Chaudhuri: I want a full statement to be made by the Home Minister who was there.

Shri Surendranath Dwivedy: I had asked a question about raising the issue at the United Nations. I want to know whether Government are thinking of it.

Shri Jawaharlal Nehru: I do not remember the exact words used by our Permanent Representative at the UN, but if he said what the hon. Speaker mentioned....

Shri S. M. Banerjee: He has said that it is not ruled out.

Shri Jawaharlal Nehru: That is a thing which it is always open to us to do when we want to. But we do not at present intend doing it.

Shri Hem Barua: May I add to what my hon. friend Shri Tridib Kumar Chaudhuri has said. There is a report that the civil administration evacuated from Tezpur....

Mr. Speaker: He wants a statement from the Home Minister, I suppose. I shall find out if the Home Minister has got certain facts to give. I shall pass on that notice to him.

12.24 hrs.

DEFENCE OF INDIA BILL—contd.

Mr. Speaker: We shall now take up further consideration of the following motion moved by Shri A. K. Sen, on the 21st November, 1962, namely:—

"That the Bill to provide for special measure to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith be taken into consideration."

Out of 10 hours allotted for this Bill, 6 hours 30 minutes have already been taken, and 3 hours 30 minutes remain. This includes 2 hours for the clause-by-clause consideration, and the third reading. So, there is a balance of only 1 hour 30 minutes for the general discussion now.

Shri Ranga (Chittoor): We said the other day that 2 hours may be allowed for the clause-by-clause consideration. But we submit to you that you may please be good enough to extend the time by at least one hour more.

Shri U. M. Trivedi (Mandsaur): Clause-by-clause consideration will take a longer time.

The Minister of Law (Shri A. K. Sen): Normally there would be no question of Government not agreeing to this if it was approved of by you. But it is my personal difficulty which I would like to place before you. I have to reply to the debate today....

Shri Ranga: We can certainly consider sitting for some extra time....

Mr. Speaker: Let me hear what the hon. Minister wants to say.

Shri A. K. Sen: I would rather like that the debate should conclude today, including the passing of the whole Bill....

Shri Ranga: How is that possible?

Mr. Speaker: Let me understand what the hon. Minister wants to say. Let hon. Members have some patience.

3 hours and 30 minutes remain. At 2.30 P.M. we have to go on to some other business.

Shri A. K. Sen: I was only submitting that perhaps it might be possible to extend the time and take the other item a little later. It is my personal difficulty, as I may have to go tomorrow.

Shri Ranga: This was the Home Ministry's Bill. Surely, there are other Ministers who will be able to look after it.

Mr. Speaker: To whomsoever it might have belonged, it has been piloted by the hon. Law Minister.

Shri S. M. Banerjee (Kanpur): Let him intervene and let the final reply be given by the Home Minister.

Mr. Speaker: I do not know whether it is possible for him or for any other Minister to do that.

Mr. A. K. Sen: In the alternative, I shall reply to the debate on the motion for consideration and then the clause by clause consideration may be dealt with by Shri Datar.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Yes, Sir.

Shri Hari Vishnu Kamath (Hoshangabad): May I support the demand made by my hon. friend, Shri Ranga, that the time for the consideration of the entire Bill including clause-by-clause consideration be extended by at least two hours, if not more? Two hours for the entire clause-by-clause consideration is much too little. It is a long Bill and there are a few controversial points, and we will need more time.

Mr. Speaker: Order, order. The hon. Member will resume his seat. Hon. Members also should show some accommodation for the hon. Minister.

Shri Hari Vishnu Kamath: It is mutual.

Mr. Speaker: If we want to finish with the Bill, including all the stages, we will have to push back the other business to a later time. But then there ought to be some limit to which we can extend time. We had 7 hours; we extended it to 10. That was the maximum that was asked for by hon. Members.

Shri Hari Vishnu Kamath: Twelve hours.

Mr. Speaker: Even if we extend it by two hours, I cannot exhaust the list. It will continue to grow as we sit longer and longer. There would be a greater and greater number.

Shri Ranga: Natural.

Mr. Speaker: Natural, but that natural desire has also to come to some end.

Shri Harish Chandra Mathur may now continue his speech.

Shri S. M. Banerjee: What is the decision?

Mr. Speaker: I will see how it proceeds. The Minister will reply. We will finish the whole thing today, even if that means pushing back the other business.

Shri Harish Chandra Mathur (Jalore): I rise to give my full, unqualified and willing support to the principles and provisions of this Bill, of course, under the compulsion of very extraordinary circumstances created by the Chinese aggression. It is not the naked and dastardly aggression which worries me so much as the craft and cunning of the enemy who is subtle, insidious and persistent. That being so, it is quite obvious to me, as I think it should be

quite obvious to every one else in this House, that powers to be delegated by this Bill are absolutely needed for the civil defence of the country. Nobody can grudge such powers being given to the Government.

I know the hon. leader of the Swatantra Group said that he gave his consent to this Bill with a 'heavy heart'. I can understand it. May I say that I give my support to the Bill with a heavier heart still? It is against our fibre and grain to clothe the executive with any extraordinary powers. Therefore, the concern and anxiety of hon. Members is understandable. I said 'heavier heart' because I belong to the party in power and we in power never want to have such powers, extraordinary powers, in our hands. But we do so under extraordinary circumstances, and we do so with a full sense of responsibility.

12.29 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

With the solitary exception of my hon. friend, Shri H. N. Mukerjee, who also was very apologetic and who advanced certain arguments, every one in this House has given his full support and clear backing to the Government in the matter of the delegation of these powers. But it is not only enough to delegate these powers. We will have to be assured in this House that the Government gear up the executive machinery which will be able to make effective use of these powers. This is very important because our services and our administration are not used to the exercise of such powers. Therefore, there lies a great responsibility on the head of the Minister of Home Affairs to take the necessary steps in this matter. There can be no justification for anybody to say that there would be abuse of power in the States because we want to have the support of everyone in this matter. There is no reason why those people who are

[Shri Harish Chandra Mathur]

giving the fullest support in the defence of the national cause will be treated differently. Still, to allay the fears and apprehensions the hon. Prime Minister should address personally a letter to all the Chief Ministers of the various States and impress upon them the great responsibility with which they have been charged. It should be made clear to them that while there is effective and full use of the powers delegated under this measure, any abuse of power under this legislation is as unpatriotic as the necessity to use it. I also wish that the hon. Home Minister takes a certain amount of responsibility. We must depute one experienced officer fully briefed, so that he may advise the State Governments regarding the exercise of the powers given under this Bill. It would also be much better if the Home Minister has special intelligence of his own so that there is regular flow of information from the States to the Centre so that the Central Government is in a position to advise the State Governments. We have the experience of Tezpur. The letters read by our friends just now make it incumbent upon us to gear up the administrative machinery to see that there is perfect liaison at the State level between the different officers concerned and so also at the district level. There should be a sort of a control room at the State Headquarters—I do not equate it to the control room of TTK—where you will find all the information from the Central Government and there will be co-ordination between military, police and the chief executive and there is somebody round the clock to give and receive information from the district and to give instructions to the district so that there can be no room for any trouble. We are not going to surrender all powers to the executive and Parliament sits in full pressure and we have got all our friends here to exercise a healthy influence and create a sort of a Climate making it impossible for any abuse of power. When there is a national

upsurge everybody is out to help. I must confess that I was a bit amazed and a little pained when objections were raised regarding certain arrests. We must appreciate that this Government has welcomed a resolution by the Communist Party. Communist friends who speak in this House should appreciate and understand that there are thousands and thousands in this country and if the Government has got certain information regarding certain persons, any resentment against such arrests is wholly unwarranted. The performance of my credulous sister sitting here is most unfortunate. She might feel that a certain person was advancing the cause of national effort, but it is an easy trick. Sometimes under the cover of war effort, people do so many things which are anti-national. A cover is drawn, so that you may not be discovered. If anybody has got particular knowledge about any individual, he should forward it to the Home Minister, who will give full consideration to it. This is not a matter in which parties are concerned; we have to rise much above the parties. It is a question of the nation's integrity, freedom and civil liberties of the people. We all must go ahead in that manner and in that spirit. There is absolutely no justification to have any apprehensions in this matter.

I wish to stress one more point. As I said, it's not the naked aggression of China which worries us. As a matter of fact, that naked aggression has united the entire country. The entire country reacted as one man to that and was prepared to meet the challenge. But it is the peace posture of China, the deceptive strategy which they have mastered, which is much more dangerous than the naked aggression. We have to guard against that. These things create suspicion in the minds of many of us here and in the minds of the people in the country and it has a demoralising effect. This also creates a suspicion

in the minds of our friends who are non-aligned countries.

I am very happy that the Government has taken a very right step in sending high-powered teams to the various important countries, who are taking active interest in our country. Because of this peace posture of China, which is far more dangerous than naked aggression, it is very necessary that we take all the necessary steps. It is very necessary that our diplomatic front is also strengthened.

Our officers and jawans in Ladakh area have given a really brilliant account of themselves. They have resisted the aggression like anything and we owe a tribute to our people in Ladakh and those infantries who have resisted such a strong aggression. Our people in the NEFA area were equally chivalrous. It was because of certain deceptions and strategies that such a debacle happened. Therefore, let us not permit this idea to prevail that there is any invincibility about the Chinese aggression and that the Chinese cannot be beaten back. It is not at all so. We must understand that the Indian soldier is much more than a match for anybody in the world, and he will be able to deliver the goods. So, let us not have any defeatist mentality whatsoever. This sort of attitude in the country must be taken care of.

There is another danger against which I would like to warn the hon. Home Minister, particularly. When these blue ants withdraw, they will leave eggs here, which is much more dangerous. From the entire NEFA area and from the borders, we must clear up all the suspects, because even if they withdraw from there, they will leave all sorts of cells and try to create all sorts of trouble. If they leave, they will be leaving only on tactical reasons, because it suits their strategy, because they cannot afford to stay there. I cannot go into the entire gamut of it. Simply because they withdraw, we should not

be carried away by it. We must create a definite impression in the entire country that we mean business, among our friends, among our foes and among our countrymen. We must go ahead with a stout heart and a clear head, and there is nothing to doubt that victory is ours.

Dr. L. M. Singhvi (Jodhpur): Mr. Deputy-Speaker, Sir, I rise to support the Defence of India Bill. The constitutional proclamation of emergency was a precursor and a progenitor of the Defence of India dispensation which was implicit in the state of emergency. We must remember one thing, however, that the emergency and the Defence of India dispensation are not to abrogate the Constitution; they are not to supplant the Constitution, they are only to function within the framework and jurisdiction defined by the Constitution itself.

I should like, in this connection, because it is particularly interesting and instructive, to go back to the seedtime of our Republic, to the preparatory materials and influences which shaped our Constitution. Unfortunately, there is no properly edited and annotated work available on the *travaux préparatoire* of our Constitution, but I think it would be a faithful portrayal of the influences which were active at the time of making the Constitution if I cited before this House three of the sample expressions of opinion which were articulated at that time.

I would, in the first place, like to refer to what my hon. friend Shri H. V. Kamath, had to say at that time. He moved several amendments to the parent article in the Draft Constitution and in doing so he expressed his apprehension that like Article 48 of the Weimar Constitution of the Third Reich it may pave the way for authoritarianism. This is good counsel to heed and remember even today. He said:

"We are all talking of subversive elements. Let us remember

[Dr. L. M. Singhvi]

that a Constitution can be subverted not merely by agitators, rebels and revolutionaries, but also by people in office, by people in power."

My hon. friend Shri Mahavir Tyagi made an observation which, I feel, is highly pertinent. Shri Tyagi at that time said:

"Our country, our people, our economics, our military and strategic position and other similar considerations are all to be taken into account and democracy has to adjust itself accordingly. The only cardinal point in democracy is that the administration must be carried on according to the wishes of the people as a whole. The will of the people must prevail and so long as that is guaranteed, democracy is not disturbed at all."

I should like to refer, in the end, to what Shri T. T. Krishnamachari had to say on the subject, because it is very germane to the present discussion. Speaking of consequent curtailment of liberties during an emergency he said:

"We tolerate such curtailment and we should probably have to do something more than that in order to help the State through an emergency and to safeguard the Constitution; and if the civil liberties of the people are unduly restricted, I say the responsibility will be that of the ultimate rulers of the people, not that of the executive. And if the executive does not obey the call of the representatives of the people who are watchful, that executive will have to go provided the people's representatives assert themselves."

These are words which are full of meaning and message for us even today.

Sir, the burden of my theme in referring to these Constituent As-

sembly debates is only to show that in a spirit of practical wisdom and statesmanship the founding fathers of our Constitution enacted a provision the utility of which and the desirability of which is more than convincing at the present juncture. Conditioned as they were by a successive concatenation of convulsions all around, it was quite natural for them to anticipate, either internal disturbance or external aggression, which the nation may be confronted with. Therefore, while providing for an emergency such as this, they have also provided that the basic structure of our Constitution must be safeguarded and that the locus of popular will, the Parliament, should remain watchful and vigilant and should continue to guide the executive in its action even in a state of emergency. I am very glad to say that, that basic framework of our democratic Constitution has been preserved even in the stresses and strains of the present emergency, and I fervently express the hope that this will continue to be so even though our country may be embattled, even though our frontiers may be attacked and even though we may be girding up our loins in order to meet the emergency.

My hon. friend, Shri Hiren Mukerjee, to whose somewhat controversial speech a frequent reference has, naturally, been made in this House, quoted Lord Atkin to say that even in war, even in the clash of arms, laws are not silent. He quoted Lord Atkin, who had said in the famous case of *Leversidge Vs. Anderson* that the laws of England speak the same language in peace and in war, but Shri Mukerjee has perhaps forgotten the original adage of Cicero who had said *inter arma silent leges* and that Lord Atkin was writing what was merely a dissenting minority opinion in the United Kingdom. What is more, Lord Atkin was saying this only while making an observation on how the

statute should be construed and was not expressing an opinion on whether such regulations are valid or necessary for the safety of the State.

I would like to mention in this context that if at any time there are any undue or excessive or unconscionable inroads into the liberties of the citizens of India, the Government would owe an explanation to the Parliament. I hope this Parliament would be ever watchful, and the responsibility therefore, rests very heavily on us to see that the Defence of India Bill when it is enacted, is implemented in the spirit in which it is being enacted. I might say that it is a Bill of faith, it is a sacred trust with the Government. Let this faith not be abused; let this sacred trust remain inviolate.

I have every hope that this Parliament would be an adequate watchdog for the liberties of the people, even in times of stresses and strains. In this context, I would like to suggest that either a committee or some other suitable mechanism should be devised to see that excesses of administration may be reported to it and may be reviewed by it.

I would like to mention that the Soviet law, to which a reference should appropriately be made, particularly to meet the argument advanced by Professor Hiren Mukerjee, also provides for the promulgation of martial law in Article 49 of its Constitution. It is not something novel that we are enacting in this country. As a matter of fact, a far more radical martial law can be promulgated under Article 49 of the Soviet Constitution. In all countries the safety of the State and the preservation of its freedom has been regarded as the supreme rationale of all legislation and, therefore, the Defence of India Bill deserves and merits all our support.

I should like to refer to some of the specific provisions of the Defence of India Bill which, I think, could have been better drafted. It bears

the impress of hurried draftsmanship, if I may say so, with all respect to the Minister of Law, who is one of the most distinguished lawyers and under whose stewardship this Bill has presumably been recast. I should like, in particular, to refer to one or two provisions which, to me, seem to be exceedingly complex and not very clear. In the rule-making powers which are provided in clause 3, and which are extensive, it is stated that rules may be made for

"preventing the spreading without lawful authority or excuse of false reports or the prosecution of any purpose likely to cause disaffection or alarm....."

I do not see the reason of keeping this language "preventing the spreading without lawful authority or excuse of false reports". The implication is that spreading without lawful authority or excuse of false reports is being legalised under this enactment. In the first place, there is no necessity to make such a provision in the statute book. In the second place it is redundant because even otherwise the officers are protected if they do something in the bona fide discharge of their duties.

There are other provisions to which I would have liked to refer but paucity of time prevents me from doing so. However, I would like to compliment and congratulate the Minister of Home Affairs, who was amenable and open-minded enough to accept my and a couple of other friends' suggestion to have a kind of informal committee to which this Bill has been referred. I think this piece of legislation we have before us is the better for it, because he has allowed many of the suggestions which were made by some of us to be accepted and they have been placed before the House in the form of amendments tabled by my hon. friend, Shri B. N. Datar.

I would also like to submit also that appeals should be provided in all cases. We should not dispense with the mechanism of appeals to the High

[Dr. L. M. Singhvi]

Court because it would neither delay the cause we have in view nor would it in any way be an obstruction in the implementation of this enactment. We should provide at least one appeal in all cases.

I would also like to submit that all action taken under this Act by tribunals or executive authority should be constantly watched in order to see that the liberties of the citizens are properly protected. At some stage, there should be some forum where administrative excesses can be impugned, reviewed and rectified.

The desirability of putting an enactment, such as the Defence of India Bill, on the statute book at the present juncture is beyond doubt or dispute. I should, however, like to quote the wise Duke in Shakespeare's "Measure for Measure" who says:

"He who the sword of Heaven will bear, should be as Holy as Severe."

We are arming the executive through this enactment with vast almost in Draconian powers. I hope that in administrating this law, the executive will strive to be "as holy as severe".

Maharajkumar Vijaya Ananda (Visakhapatnam): Mr. Speaker, I support this Bill which, in my opinion, is of an imperative nature. I have been at great pains to understand why any law-abiding citizen of this country should be frightened by this Bill. This is how I feel, that if you are wrong with yourself, then you would be scared by a Bill of this kind, but if you are a law-abiding citizen there is no earthly reason to think that the law will get hold of you. After all, when you are at war you have to introduce measures which you would not have otherwise. This measure is against people who are saboteurs, who are fifth columnists, who do underground work to come in the way of the war effort. It is also for those who are anti-national and anti-war-minded. So,

this measure is of an imperative nature and has, at all events, got to be passed, and to those who were frightened of it I can only say that they are making a very big mistake; if they are well-behaved men, there is no earthly reason for anybody to be afraid of it.

Though I exclude personalities, I am of the opinion that, as in the days of the second world war, we should have a concentration camp for the Communists. Every Communist in this country should be put into a concentration camp and kept there till every inch of our soil comes back to us. In suggesting a concentration camp I am not suggesting that it should be in any brutal way. I should say it may be a dignified concentration camp. They may be allowed to read newspapers. They must not be allowed to have a transmitting set, of course, but they may be allowed to read newspapers. The letters that they will be sending to their *rishtedars* or relations must be censored and any letter that comes to them should also be censored. These restrictions should be put or imposed on them and they should not be allowed to go about in this country and undermining what is the right of every Indian, that is, to stand by for his Government to fight for his land and his country.

As I said, I am not touching on personalities. This is my general view that the sooner we put the Communists into a concentration camp the better. Even if one is Soviet-minded, the fact is that he is a Communist. A leopard never changes his spots. Till the war is over and till our country comes back to us, that is till those portions that have been occupied by the Chinese come back to us, their right place is a concentration camp.

Shri Daji (Indore): Thank you for the newspapers that you will allow.

Maharajkumar Vijaya Ananda: As I said, I am not entering into any personalities. My hon. friend is a

good friend of mine. I am not suggesting that he should go. I am only putting it generally. That is all. If the cap fits a certain man, he is welcome to put it on. I have nothing to say.

I am glad to see that in future the High Courts and the Supreme Court will have less work and less botheration with the writ petitions. That is one of the things that this Bill will bring about. But I do feel that writ petitions filed before this Bill was introduced should be disposed of. I think, it would be but fair and proper that those writ petitions are disposed of because otherwise even people who have filed writ petitions for very good purpose will also be losing by this. It will cause injury. So, I think, writ petitions before the 8th November, that is, before this Bill was brought in, may be allowed to be disposed of by the High Courts and the Supreme Court.

Only recently, as a matter of fact I was in Kanpur yesterday, some friends of mine gave me a very good clipping from the *Hindustan Times*. It reads this:

"Kanpur.. The Communist-dominated Mill Workers' Union of Kanpur has baulked the efforts of the management and other loyal workers to step up production, including defence orders, by refusing to put in extra hours of work.

With heavy orders for defence and civilian goods the mill authorities approached the workers to agree to work extra hours. The non-Communist unions readily agreed, but the Communist-dominated one negatived the proposal.

The Communist-led union carried out its intention by a recourse to legal technicalities.

Under the Factories Act management must give 15 days' notice to workers if over-time working is to be introduced. If a section of workers do not agree, they have the right to take the dispute for

adjudication before the State Labour Department. The adjudication proceedings in such cases will take a minimum of six months to reach a decision."

An Hon. Member: Very law-abiding!

Maharajkumar Vijaya Ananda: I do hope that the hon. Law Minister who has very ably adopted and piloted this Bill will take this into account.

Shri S. M. Banerjee: There is no Communist union in Kanpur in the textile industry.

Maharajkumar Vijaya Ananda: If workers can delay matters to the extent of six months, that is, by the time the adjudication tribunal gives the decision, it will impair the war effort. I think, the hon. Law Minister who has very ably piloted this Bill might make an amendment or something like that so that this aspect also is completely covered and it is all-embracing.

Much has been said about Tezpur and what has happened and so on and so forth. Of course, it is scandalous when one hears that the officials were the first to run away. Indeed, if that is true, it is a very sad commentary on the services attached to Tezpur. I feel that every city should bear the name, if not exactly the name, should be nothing short of a Stalingrad. Tezpur or any city should be our Stalingrad and should fight and never give in.

13 hrs.

Great personalities, including Shri Jaya Prakash Narayan—I have great respect for him; but he was one along with many others—advocated that we should get out of the Commonwealth; we should have nothing to do with them; let us be independent; let us get out of it; while forgetting that we are an independent sovereign body, we must still ask to get out of the

[Maharajkumar Vijaya Anand.]

Commonwealth. Now I ask: Have they anything to say? Who are our friends? Who have come to our rescue? Who have come forward without any strings, without anything. Here we found the head of the Army arrive in Delhi. The Secretary of State for Commonwealth Relations, Mr. Sandys, was here.

An Hon. Member: He is here.

Maharajkumar Vijaya Ananda: They have all come. We find that our association with the Britishers has stood us in good stead. I hope, those doubting Thomases will now forget or take back those unpleasant remarks that they made about the Britishers and their friendship with us.

I was very glad to read in the papers that the language question will be put off for some time because it always brings about a controversial aspect between Hindi and English. I personally feel that to leave the Language Bill once and for all will be doing a service. The English language is spoken practically throughout the world. So far as we are concerned, we should be very happy to associate with English for generations to come.

Shri S. M. Banerjee: No, no; not at all.

Maharajkumar Vijaya Ananda: Why not? I do not say that you should not speak any other tongue. I speak Telugu and the hon. Member probably speaks Bengali.

Shri S. M. Banerjee: Yes.

Maharajkumar Vijaya Ananda: You can speak any language and also stick to English which has brought real goods friends.....(Interruption). He had his say and I may be allowed to proceed. I interfere in nobody's speech, as you know, and I feel that the hon. Member should also allow me to have my innings when I get on my feet.

I know, there are many hon. Members who would like to speak on this Bill. As I said, no law-abiding citizen should be frightened of this Bill. If he is frightened, it means that there is something wrong with his conscience.

Before I close, I would like to pay an humble tribute to our President who went to the front-line at personal risk and great inconvenience. The fact that he went there and saw the wounded and those that were giving life to this country was the greatest thing of the present times.

Shri Sezhiyan (Perambalur): Mr. Deputy-Speaker, Sir, that there is an emergency due to the Chinese aggression is obvious to all. To meet the emergency, to safeguard the country's liberty and to prepare the country in an effective way for the war, it is but fair that the Government be provided with some special power as is necessary for the occasion. A peaceful and peace-loving country like ours has been drawn into the arena of hot war. But, the people have responded with fervour and zeal and have rallied behind their beloved Prime Minister and the Government. The first and foremost thing for the country and also for the people is to become strong. It is all very well that the people have responded with fervour and zeal in this way. We should canalise this enthusiasm and this emotional upheaval in the country. Otherwise, in course of time, we may find it difficult to rally them again. Therefore, I appeal to the Government and the Prime Minister to canalise the emotional enthusiasm found in the people and also to canalise his enthusiasm to effective war efforts. Every individual, every citizen, should feel that he has got some thing to contribute to the war effort. Whether he is on the farm or in the factory, whether he is in the village or in the town or anywhere, he should be given some concrete job to do. He should feel that he is contributing his own share in his own way for the war effort.

The present cease-fire offer by the Chinese probably seems more to perplex and confuse us. Probably they want some more time to adjust or re-group their positions. Therefore, we should not be misled by the cease-fire that is offered now. Whether it was due to their own logistic and supply difficulties, or whether it was due to Russian pressure or whether it is due to the massive aid that has been offered by other countries to us or whether it is due to the resoluteness and enthusiasm shown by the people of India, whatever may be the reasons that prompted the Chinese to offer cease-fire, one very important thing we should remember. That is, we should not relax our efforts in becoming strong. Our prime need is that we should become strong. We should become strong in military power, in our equipment. We should become strong in our conviction that democracy is not only the best form of Government but also the strongest form of Government available on earth. We should become strong in our conviction that we should win this war and that we shall win this war whatever be the price that we have to pay. We should become strong and also prove it to the enemy that we are strong. That is the prime need of this hour.

In making ourselves strong, we are glad to note that other countries, friendly democratic countries, have come forward to give us massive aid. Wherever it comes from, it will be welcome. Because we are fighting the war in the name of democracy, in the name of justice.

Anything that impedes the war efforts, anything that weakens our defence should be ruthlessly and completely swept aside. Nothing is more dear, nothing is more sacred in our soil than the defence and dignity of the country. Towards this end, we should all strive and work.

Modern war tends to be methodical, technical, disciplined and long drawn. Therefore, when we prepare for war,

we should prepare in a methodical, disciplined and technical way and we should also be prepared for a long drawn and strenuous war. The other way, a Peking paper, speaking of the cease fire offer has come out that India should accept the friendly and generous offer of the Chinese Government. It has also given a veiled threat that otherwise, the war will be a prolonged and disastrous one to India. We know what these words mean. The words generous and friendly, in Chinese parlance, perhaps mean total submission and utter humiliation. We also know the veiled threat that they are giving us. They want us to submit without any resistance. We would rather go on fighting, we would rather go on fighting to the last village and to the last man, we would rather go on fighting and all die in the process than meekly submit to the disgrace and dictum of the Peking regime. This we should make clear to the aggressors on our soil.

We are faced with many shortages. It is stated that we are in a state of un-preparedness. The greatest shortage that confronts the country now, I think, is the shortage of time. The Chinese have a slight advantage over us in this respect. For ten long years, —ten long treacherous years they have been preparing for a war on us. We have been caught unawares. Still, there is nothing to worry about. Even highly industrialised, highly equipped western countries have passed through the same ordeal at one time or another when war broke out suddenly on them. The United States of America went through this ordeal in 1940-41 which has been called the 'Battle of Time' by their historians. Therefore, there is nothing to worry about this shortage of time. We have to equip ourselves in the shortest time possible and in the quickest possible way available. In spite of looking for help from outside, whatever help we are going to get, we should not depend entirely on foreign help and foreign equipment alone. We should also prepare ourselves in our own

[Shri Sezhiyan]

way. That means, for total war, we have to array the maximum portion of our man power, natural resources and capital equipment. We have to increase our production, by increasing our efficiency, by working longer hours, by working more shifts and also utilising fully the installed capacity of each industrial unit. We have to re-shape the industrial set up and also the economic set up of the country and fix fresh and immediate economic targets.

Under the powers given in the Defence of India Bill, the Government should be able to control all types of production. Quantity and quality control also should be brought about not only in the public sector, but also in the private sector. Also we should make many modifications in the types of production. Various frills and fancies should be scrapped. Ornamentation should give way to utility. We have also to forego some of the luxury goods and prepare for essential war needs.

Also, the other day, I read in the papers that there is going to be a scheme of beautification of the Jumna left bank by the authorities concerned. While I have no objection to such schemes, I would humbly submit that this kind of beautification may wait for some time. Now, the need of the hour is fortification of the country and not beautification. Beautification can wait for some time, and we can spend more on war efforts and on our equipment.

Also, in war time, next to production comes price control. In the present Bill, the Government has got ample powers to hold the price line, to root out black-marketing, profiteering, hoarding and also speculation. I am happy to note that the Government have appointed a high level Price stabilisation committee and also Price controllers for some industries. Price control is one of the most important factors in the economic mobilisation of the country, because it brings about equitable distribution of the costs of

war over all sections of the community.

We should keep a constant vigilance on production, distribution, market price level of foodgrains, food articles, textiles, drugs and medicines, fertilisers, agricultural implements, building materials, kerosene and other consumer goods.

About agriculture, many hon. Members who have spoken before me have stressed the point that agricultural production has got to be stepped up at all costs. We also know the famous dictum that "food will win the war and write the peace." Therefore, we should impress on the villages who want to know what they have to do, who are enthusiastic in contributing to the war effort, that their work in the field is as glorious and as important as the work of a soldier in the field of war.

Under this Bill, special and sweeping powers have been given to the Government. We have given the powers to them with full confidence that this power will be utilised to protect democracy and defend the country from aggression. Therefore, to that extent, we are supporting that. In trying to protect democracy, we should not stifle it.

At this stage, I would urge that we should not make searching enquiries on the mistakes and misgivings of the past. This is no time for breeding or enquiring about them. Let us look forward. Let us firmly resolve to wipe out all deficiencies, to sweep away all obstacles that stand in the way. To win the war should be our prime and only motive. Let us firmly resolve now to vacate aggression, to defend the dignity and preserve the freedom of the country.

श्री रामानन्द शास्त्री (रामसंचीधाट):
उपाध्यक्ष महोदय, आपने मुझे जो इस फ़िफ़ैत आफ़ इंडिया बिल पर बोलने का प्रवासर प्रदान किया है, इसके लिए मैं सर्वप्रथम आपको धन्यवाद देता हूँ।

इस बिल पर मुझे विशेष कुछ नहीं कहना है। दो चार बातें ही इसके समर्थन में मैं आपके सामने रखना चाहता हूं। आज हमारे देश के सामने विकट परिस्थिति है। जिन परिस्थितियों में से होकर हमारा देश गुजर रहा था उनको देखते हुए इस बिल को बहुत पहले आना चाहिये था। फिर भी सुबह का भूला यदि शाम को आ जाता है तो उसको भूला नहीं कहा जा सकता है, वह ठीक ही है।

मैं समझता हूं कि जिस प्रकार से हम तैयारी कर रहे थे, वह समस्या को देखते हुए बहुत ही थोड़ी थी। हमको तेजी से तैयारी करनी चाहिये थी और चारों ओर हमें ध्यान रखना चाहिये था। आज भी हम को चारों तरफ ध्यान रखना है। पिछले दिनों जितनी खगड़ियां हुई हैं, वे बराबियां अब हमें नहीं हो देनी हैं। जिस प्रकार से असम इत्यादि में कम्युनिस्टों और दलाई लामा के साथ आए लोगों ने कार्य किए हैं, उनके ओर हमें बहुत पहले ध्यान देना चाहिये था। दलाई लामा के साथ आए लोग असम इत्यादि में भिन्न भिन्न प्रकार के विजिनेस में लग गए और वे वहां बस गए, लेकिन हमारे विभाग ने उस पर कोई ध्यान नहीं दिया। समय समय पर इस ओर उसका ध्यान दिलाया गया और इसके बारे में कहा गया लोकन फिर भी कोई ध्यान नहीं दिया गया। इस चोज को मैं समझता हूं बार बार दीहराने को आवश्यकता नहीं है। इस बक्ता ओर इस परिस्थिति में मैं आपके द्वारा सरकार से कहना चाहता हूं कि पिछले दिनों जिस प्रकार से हम उदासीन रहे हैं, जिस प्रकार से हमने गम्भीरता नहीं दिखाई है, उस प्रकार से उदासीन हम न रहें और स्थिरता को गम्भीरता को समझें। हमें बहुत ज्यादा तत्कं रहने की आवश्यकता है।

13.17 hrs.

[SHRI SURENDRANATH DWIVEDY in the Chair]

इस सदन में मैं देख रहा हूं कि कई पार्टी ने इसका समर्थन किया है। लेकिं जि: भाइयों ने इसका समर्थन नहीं किया है, जिस पार्टी ने नहीं किया है उनसे मैं कहना चाहता हूं, जो चीन के समर्थक हैं, कि वे भी अपने रखने को बदलें। मैं समझता हूं कि उनके खिलाफ बहुत टेड़ी कार्रवाई करने की आवश्यकता है। इसके लिए यह आवश्यक है कि यह बिल जिस रूप में यहां पर उपस्थित किया गया है उसी रूप में हम इसको पास कर दें और इसको देश में लागू कर दें।

जहां तक हमारे सैनिक संगठन का सम्बन्ध है, हमको बहुत ज्यादा संख्या में शैर बहुत तेजी से भरती करनी चाहिये। हर इलाके में मैं देखता हूं कि हजारों की संख्या में, सैकड़ों की संख्या में लोग भरती होने के लिए आते हैं लेकिन मामूली तरीके से उनको लिया जाता है और इस बात की कोशिश नहीं की जाती है कि ज्यादा से ज्यादा संख्या में लोगों को भरती किया जाए। मैं समझता हूं कि इस तरह की जो हमारी डिलाई रही है, इसी के कारण आज हमको युद्ध की परिस्थिति का सामना करना पड़ रहा है। मैं सरकार से अनुरोध करूंगा कि बहुत तेजी से और बहुत विशेष रूप में भरती होनी चाहिये। बहुत दिनों तक हम सेये रहे और अब हम जगे हैं। अब जग्ने के बाद बहुत तेज दीड़ लगाने के बाद ही हम स्थिति को सम्भाल पायेंगे।

मैं यह भी समझता हूं कि आज जो चीन ने युद्ध बन्द करने की घोषणा की है, यह एक धोखा है। वह एक ऐसी जगह तैयारी कर रहा है, जहां का आपको ध्यान बहुत कम है और उसी जगह पर वह हमला करने वाला है। इसलिए आप मेहरबानी करके चारों तरफ का ध्यान रखें।

[श्री रामानन्द शास्त्री]

इसके अलावा दूसरी जहां हमारी सरहदें हैं, दूसरी हमारी सीमायें हैं, उनकी तरफ भी हमें ध्यान रखना है। किसी भी पहलू पर, किसी भी विचार पर और किसी भी स्थिति में हमको कभी भी दुश्मन का विश्वास नहीं करना चाहिये।

हमारे यहां संस्कृत में एक सूक्ति है :

“न विश्वसेत् पूर्वं विरोधितस्य शत्रोश्चमित्र-
त्वमुपागतस्य”

चाहे शत्रु मित्रता को भी प्राप्त हो जाय लेकिन उस का विश्वास नहीं करना चाहिये। कई बार चीनियों ने अपने बचनों का उल्लंघन किया और भारत सरकार ने उस को मान लिया। जो कुछ हमारे यहां पृथ्वीराज चौहान ने किया उस की याद दिलाना मैं आवश्यक नहीं समझता लेकिन फिर भी यह कहे बगैर नहीं रह सकता कि उस ने १७ बार मुहम्मद गोरी को गिरफ्तार किया लेकिन छोड़ दिया, मगर मुहम्मद गोरी ने पृथ्वीराज चौहान को पहली बार ही गिरफ्तार करने के बाद नहीं छोड़ा। भारत सरकार ने इतनी बार चीन के साथ बात चीत की है। अगर वह फिर किसी तरह से उन की उलझन में फंस गई तो मैं समझता हूं कि भारत सरकार के पास सिवा इस के कोई और चारा नहीं रह जायगा कि वह आत्महत्या कर ले। इसलिये किसी भी हालत में चीन के साथ मुलह की बात चीत नहीं होनी चाहिये। इसी के साथ मैं यह भी कहना चाहूँगा कि भारत के प्रत्येक नर नारी को हृथियार दिये जायें। सब को उन की ट्रेनिंग दी जाय चाहे वह बृद्ध हो या युवा हो। अगर आप आज ही इस को पूर्ण रूप से आरम्भ नहीं कर देते हैं तो चीन का मुकाबला करने में आप को बहुत समय लग जायगा। मैं बार बार यह कहना चाहूँगा कि हमें पिछली गलतियों को नहीं दोहराना चाहिये और बहुत तेजी से अपनी तैयारी करनी चाहिये।

हमारे यहां दूसरी शक्ति में यह कहा गया है :

“आततायिनम् आयान्तम् हन्यादेयाविचारयान्
न अतातयी वधे दोषो प्राणिनाम् स्यात् कर्हिच्चत्

अर्थात् अगर कोई आततयी जो दृष्ट हो और दुश्मन हो वह सामने गलत तरीके से आ कर आक्रमण करता है तो उस को मारने में कोई हिस्सा नहीं है। उसको मारने में तो अहिसा ही है क्योंकि जब हम उस दृष्ट को मारेंग तब ही लोगों को शान्ति मिलेगी। यह एक प्रकार की अहिसा है। हमारे नेता ने और हमारे भारत ने जो पंचशील का सिद्धांत मान कर चीन को तिब्बत दे दिया था और यह सोचा था कि ऐसा करने से वे शान्त हो जायेंग, मैं समझता हूं कि यह बहुत बड़ी गलती हुई थी। उस को अब दुबारा नहीं दोहराना है। मैं निवेदन करूँगा कि जिस प्रकार से लहासा में हमारी फौजें पहले थीं जब तक उसी प्रकार से फिर हमारी फौजें वहां नहीं रख्बी जायेंगी तब तक स्थिति ठीक नहीं होगी। इसलिये हम को इस बीज को ध्यान में रख कर तैयारी करनी चाहिये। इस विधेयक का समर्थन करते हुए मैं यह निवेदन करूँगा कि बहुत सतर्कता और बहुत जोर से तैयारी करने से ही हम अपने देश की रक्षा कर सकेंगे अन्यथा नहीं।

एक बात मैं अपने कम्युनिस्ट भाइयों के सम्बन्ध में कहना चाहता हूं। उस पार्टी में भी हमारे यहां बहुत से अच्छे भाई हैं फिर भी वे उस पार्टी से बंदे हुए हैं कि मौका आने पर वे उन का विरोध नहीं कर सकते। इस लिये मैं चेतावनी देना चाहता हूं कि उन भाइयों के साथ हमारा सहयोग होते हुए भी देश भर में हमें उन से सतर्क रहने की आवश्यकता है। जब भी कोई बहुत भीठी भीठी बात उधर से करता है तो हम लोग उस के चक्कर में आ जाते हैं। हमें को उन के इस चक्कर में आने की आवश्यकता नहीं है।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

Shrimati Renuka Ray (Malda): This House and this country have given their full approval to the Proclamation of Emergency by the President in the face of the blatant and treacherous aggression by communist China. The enactment of the Defence of India Bill is something that is provided for in the Constitution itself. The Constitution-makers did visualise that a state of grave emergency might arise when India would be threatened by war or external aggression and that it would be necessary to empower the Government to defend the land. But, as one of them, I can say that we did not visualise that a neighbour country, an Asian country who had professed Panchsheel and coexistence and who had spoken to us with soft words of friendship would not only stab us in the back again, and again, but would come forward with naked aggression, and what is even worse than the naked aggression, is the peace offensive.

This country has, as Shri Mathur said a little while ago, united overnight as one man, and I might say that in the face of this challenge, the spirit of New India that we wanted since independence, has been born, and as a result not until the aggressor vacates our land, shall we be distracted or checked in any manner, no matter what the tribulations are, no matter what the odds are against us.

As I said, worse than the war offensive is Mao's peace offence. This is a manoeuvre which has come out of the 'barrel of a gun' according to Mao's theory of political power; one day it is aggression, the next day it is an offer of peace to camouflage their real intentions to the rest of the world. Radio Peking says that India is the 'aggressor' and only their 'frontier guards' had to push them back. In the meanwhile, they gobble up our territory, but that is by the way! To

make confusion worse confounded, the offer of October 24 is repeated under a new guise. The Asian and African countries, the eastern world and the western world are informed of this even before it reaches India. Let us not forget that every time that China has gone in for a massive onslaught, she has stated our Radio Peking that India has committed aggression. In fact, even in this peace offensive, she has told us that if we 'transgress' on our own territory, then woe betide India and she will have to face a Chinese attack.

We have said quite clearly that in spite of everything, we are prepared for negotiations on the basis of the restoration of the *status quo* to the line before the 8th September 1962. But an honourable settlement is not something that China wants, not Mao's China at least. Why do they not want it? There are many reasons. But one of them is that our country has gone forward with our plans. We may not have had any 'leap forward'. We did not contemplate it. We were not over-ambitious. But what we said we would do we did for the people and we were going forward. They cannot bear the impudence and insolence of a democratic approach going ahead when their 'great leap forward' fails. So the only answer is offensive through arms of the warlords of present-day China. This is what we are facing. Let us not forget this. Whether it is the guise of peace or the guise of war, it is the same thing. In fact, it is worse when it is camouflaged.

History has shown in the past, and it will show again, that those persons and countries which go mad with the lust of power for expansion—as Hitler did recently—are checked eventually. The people of this country, the people of the world, will check them. Mao will be checked just as Hitler was. It may take time, but it shall be done. In the meantime, they talk about Asians, China and India about friendship again. Do they not realise that there is an insurmountable barrier

[Shrimati Renuka Ray]

now lying between India and Mao's China? They have the blood of our jawans on their hands, the desecration of our land. The barrier they will find is far more insurmountable than the Himalayas; it can never be surmounted at any time so long as Mao's China is there.

We also know and understand real friendship. "A friend in need is a friend indeed". Today let us tell frankly those countries which have respected our non-alignment policy and yet have come forward to help us—I am referring to the USA, UK and other countries—that India will not forget such friendship that has come in the hour of her peril; it shall be abiding, it shall endure. Let us tell the other countries, UAR, Ceylon and others, that we understand they are making an attempt to bring about an honourable settlement. We even understand those who are aligned and yet remain neutral. But the gulf between India and China can never be surmounted with the present regime in power in China. It is not the people of that country I am referring to, but Mao's Government. We may negotiate if it is on honourable terms but never can friendship be restored—never shall we trust them again.

If such be the position, we must naturally arm the Government with every possible power, as has been laid down in the Constitution. As the Law Minister has already pointed out, clause 3 of the Bill gives all the powers, and I think they are rightly given. There should be no reservation about this. In fact, I am glad that arrests have been made of those who are likely to indulge in anti-Indian propaganda, who are likely saboteurs. When I say this, I do not speak of the Communist Party as such. Some of their leaders have made it abundantly clear that they are behind the country against the Chinese aggression. But even Shri H. N. Mukerjee, who comes from the same State as I do, must acknowledge that lea-

ders like Jyoti Basu and others did not even agree to toe the line. The discipline of the party was shattered because they would not toe the line. They were planning for sabotage and naturally they had to be stopped. It might happen once or twice that somebody might be arrested who might not be in the thing, but that can be rectified. All the same, in these times of peril for India, we must be sure that every traitor is checked in his activity. Traitors are not only of one kind. There are traitors of various kinds. If anyone goes slow with production in agriculture or industry, if anyone profiteers by raising the prices of commodities, if anyone frightens people, distracts them from the war effort or spreads idle rumours which create havoc and panic, particularly in the forward areas—all such people must be dealt with forthwith. I hope every type of sabotage will also be dealt with relentlessly by Government. We have given them the power and we hope they will utilise them in a proper manner when the country is in grave danger.

I will cite a small example as to how power is not being utilised. Even though it is a small matter, from this big matters also arise. The Minister of International Trade acknowledged that wool has gone underground because the persons who have got the wool do not wish to sell it without profiteering. Wool is required for the Jawans' outfit. Proper steps must be taken against such persons. Swift action is necessary.

Then I turn to administration. I know that we have been told that they are gearing up the administration to a war effort. But if there is any slackening, if there is anybody who delays things inordinately, if there is anybody who continues with inordinate red-tape, let these persons also be penalised. Let their example not be emulated by others. Let there be a proper deterrent against go-slow

tactics in administration also. I know there are hundreds and thousands of officers who have come forward today and are working harder and theirs is a war effort. At the same time, there are certain persons who have a go-slow tendency, who delay administrative disposal. If the administration is to be geared to the war effort in a proper manner, such persons must be dealt with forthwith.

I now turn to the matter of co-ordination. The Minister of Co-ordination is not here. But I would like to ask him: is he satisfied that at this time of peril to our country when the Defence of India Bill is being enacted and the Ordinance is there, co-ordination is taking place between different Ministries at the Centre in a proper manner? Is Defence production and supply in the hands of one agency? Who is responsible? We talk about wasteful expenditure being checked. Have the Ministries stopped trying to pass on the buck to another? Are they willing to curtail their own expenditure themselves? How far has it gone? We would like to know these things.

About our publicity, I must say that there has been some discernible improvement since last time I spoke in this House about the All India Radio. However, it has not improved regarding the news. There is some reticence and tardiness about news. We get news from the BBC and Radio Australia first. I know there has been some improvement. I do not want to go into details. In today's Statesman the listening post column gives its appreciation of the AIR and has constructive suggestions which the AIR would do well to take note of.

I do not wish to speak about intelligence, whether it be military or civil. It has gone by the board. Surely when we gear our country to a war effort our intelligence must be improved. It is perhaps the worst casualty today. We have no such thing as intelligence. It is acknowledged all the world over; so let us acknowledge

it and let our Government go ahead with all the powers they have to set up some means by which intelligence is taken care of properly.

I now come to the mobilisation of the people's efforts. I spoke about this matter earlier also. Is the response from the people being canalised properly? Is there not a lot of confusion? There are a large number of committees, citizens committees in the Centre and in the States, official and non-official, etc. A new committee has been set up yesterday under the Home Minister to canalise the nation's will and effort into constructive channels. But time is running fast and if we do not do something about this immediately, the danger is that today's enthusiasm might be the frustration of tomorrow. It is true we are having the national militia, national discipline scheme, home guards, civil defence, nursing, etc. Most of these have not come into proper functioning yet. Let us not show the same attitude of bankruptcy during peacetime to tackling the backlog of unemployment. Let us now be swift in our action and utilise the energy of every man and woman who wishes to help in this war effort. Government, this House and every Member owe a duty to the citizens of our country who have come forward with so splendid a response.

I will conclude repeating the words of the Leader of the House who is the leader of the nation behind whom stands the country as a whole, whose call has brought about this magnificent response: He says "We shall not be content till the invader goes out of India or is pushed out; we shall not accept any compromise that he may offer because he may think that we are a little frightened by some little setbacks". And again he says, "We shall see this matter to the end and the end will have to be victory for India." With these words, I support the Bill.

Shri Daji: Sir, the hon. Law Minister introducing the Bill rightly said that it should be viewed in the back-

[Shri Daji]

ground of the emergency and the Resolutions that we passed. Without these there would be no raisns on de'etre for this Bill which is very drastic and gives wide powers to the Government. The impression that seems to have been given is that we are opposed to the Bill as such. But we are not. Having supported the declaration of emergency and acclaimed the national resolve taken by the Parliament and the people to fight back the Chinese aggressors, we do feel that this Bill or some such measure is a necessary corollary to the emergency created by the unscrupulous aggression by Chinese armies. What I say or my hon. friend Shri H. N. Mukerjee said is not with a view to run down the necessity for the Bill itself. It is regretable that apart from some philosophising here and there, the debate on the Bill has taken the turn of putting the communists in a concentration camp, as an hon. Member from the Congress benches pointed out. The Bill is much more and goes much beyond than merely this. It has three points of view: fight on the front, civil defence and gearing up the rear. It is for effectively fighting at the front which we all want, for setting up civil defence which is necessary and for strengthening the rear, which means increased agricultural and industrial production which alone ultimately give you the sinews to implement the determination of the nation. We do not want to give the impression that it is our stand to oppose the Bill. Given that the Bill is necessary and that the intentions are good, the powers are so wide and so absolute that there is a possibility of misusing them. Now, let us examine them coolly and calmly without hysteria and see whether we cannot build in certain safeguards to check the abuses. I shall explain my amendments at a later stage but one amendment says about giving the grounds of detention to the person detailed. There is also the sacred right of appeal because to err is

human. A judge may err and give a person some five or even fifteen years' imprisonment. If there is no appeal and no possibility of revision, I say it is too much. So, we say that we should not copy the Defence of India rules and therefore our amendment is to change the name to National Defence Act. There is a whole world of difference in things. When the British had it, the whole nation was against them. Today the whole nation is with the Government to fight the Chinese aggression and therefore the need and the occasion are much greater. Things can easily be done without prejudicing the national effort. I was stunned to hear the speeches of Shri Hem Barua and Shri Frank Anthony. I can only say that their political knowledge is at least twenty years old; their knowledge of communism must have been acquired by reading dust bound, second-hand or even third-hand books....(An hon. Member: You clarify it). Certainly. With full confidence and honestly I can say that the resolution we have adopted is not one to which we have been hustled. We may have committed mistakes or blunders but we never hide our aims. We have taken this decision as communists, because we know that Chinese aggression is unjustified and as Indians we must fight and as communists we ought to fight. Both as Indians and as communists we have pledged ourselves to this and despite all provocations we are determined to keep this pledge because it is an unreserved and unconditional pledge, a categorical imperative as Shri Mukerjee said. It is not a pledge qualified by any conditions....(An hon. Member: There was no other way but to do that). Not that. Even in Pakistan the Communist Party said that Kashmir did not belong to Pakistan and got itself banned. In Andhra, we started the Telangana movement and got ourselves banned. The communist movement the world over has not hesitated to say something, even though it may be taken to be wrong. We distain to hide our aims. It is not that

if we are not represented in the Defence Council, we shall cut down production. Our support is unconditional. The Bill provides for a check on strikes. There need not be any check on strikes, because we have ourselves come forward and joined the Labour Ministry in calling upon the workers that there shall be no strike and not a day, an hour or a minute to be lost in the matter of production.

श्री योगेन्द्र ज्ञा (मधुवना): आप कहेंगे तों भी हड्डताल नहीं होगी, मैं चैलेंज करता हूँ कि आप कह कर देखिए तो सही।

Shri Daji: The question of industrial peace is to be looked at not from the point of view of absence of strike, but increase in production. I have got a report that the Government has made an arrangement that in mines Sundays will be working days provided there is rotation of labour. But immediately rotation of labour could not be provided, but still in the NCDC mines and Madhya Pradesh mines, despite absence of rotation of labour we have agreed to work on 2 Sundays every month and we have started working. (It is not a question of strike or no strike, but of positive effort to increase production.) That we shall give. But to say that puppets will be found in the communist party, etc. is not correct. I say, not a single Indian shall be found to be a puppet. If he is, he shall not be an Indian and certainly not a communist. Let that be clearly understood.

My friend, Shri Hem Barua, rightly pointed out a booklet published by the Peking regime about the reactionary bourgeois regime of the Indian Government, which was distributed in Ceylon. He should be honest enough to say that in reply to that booklet, we have come out with an article "Marxism massacred" and sent round that article to all the Asian and European countries, countering in their own language each argument, used by the Chinese in calling our Government a bourgeois reactionary Government, in which we have made out that this Government is not a bourgeois reactionary Government.

It is not a question of this arrest or that arrest. This facade of the so-called Chinese lobby is also gone now. When the entire Kerala committee and the entire Orissa committee have been arrested, even if you do not put a ban, when entire committees are arrested, you are virtually putting it under a ban. You have to consider whether it is necessary. In one particular case, a cancer patient has been dragged out from the hospital. Such instances make us feel that the whole spirit in which the Prime Minister said that we want to make use of our resolution in order to win national unity, that spirit is being lost. It is not a question of being provoked by this or that arrest. Let us work with that spirit. If that spirit is maintained, I am sure much better results can come through this national effort to throw out the enemy.

13.50 hrs.

[MR. SPEAKER in the Chair]

Everyone has been waxing eloquent about lapses here and lapses there. There is another danger. How is it that the Home Ministry has been blind to this continuous running down of the jawans that is going on and the continuous harassing stories of the debacle, which is being openly preached in press and on platform? The other day, a senior Congress M.P. addressing a public meeting in Delhi ran down the Prime Minister to dust as no opponent would run down. How are such things allowed?

Shrimati Yashoda Reddy (Kurnool): They will also be taken cognizance of.

Shri Daji: In the *Organiser* dated the 19th November, 1962, it has been said:

"You should not expect the people to support the Prime Minister blindly like lap-dogs. Why should anybody be upset if somebody thinks that the Prime Minister had better be gone?"

[Shri Daji]

Surely Shri Nehru is not a sacred cow...."

I would ask my Congress friends to listen. There is another thing which has been said in the issue dated 15th October, 1962:

"He reminds us"—'he' means Pandit Nehru—"of the Rai Bahadurs who used to wax eloquent on the virtues of British rule and the dangers of freedom. There is one difference. The Rai Bahadurs were at least consistent in their love of the British and all their works. Panditji is content to hang on the coat-tails of John Bull."

Here is a letter emanating from 30, Ferozeshah Road to some of the opposition Members. I do not know whether it has been sent to Congress M. Ps. or not. In this it has been said:

"If the Prime Minister cannot decide, it is for the Congress party or the Parliament of this country, or failing both for the head of the Indian Republic to make the choice for the Prime Minister that he retires and give India a Government which knows what it is doing; which does not talk in terms of our eventual triumph, but does something today."

Shrimati Renuka Ray: That has nothing to do with the Congress. They are only traitors who should be dealt with.

Shri Daji: I agree it has nothing to do with the Congress. What I am saying is, if all these campaigns can go on and the Defence of India rules can be silent about them, certainly we shall be having poor defence of India.

Here is an opinion from a venerable man, Shri A. D. Gorwala.....

Shri Surendranath Dwivedy: Should he discuss some person who is not here to defend himself?

Shri Daji: I am not discussing. I am only reading from his paper:

"Hero of the revolution though he may be, surely the thought must come to his mind that he has held power too long. The times are out of joint and it is not he who can put them right."

Shrimati Lakshmikanthamma (Khammam): He wants to be quoted by the Peking Radio.

Shri Daji: What I am saying is, let us not be blinded into a sectarian and partisan view even at this juncture of national emergency. In all sincerity, we have said that irrespective of provocations, we shall continue to do what we have declared. It is not for me to try to disabuse the minds of some of the Members who are still smacking of sectarianism and say, "Please believe us". As far as I am concerned, the certificate that the Prime Minister has given that the resolution is cent per cent national is quite good to me. I only want to reiterate that we shall stick to it despite provocations, because it is not conditional; it is unconditional and we shall stick to it with the faith that the more we are able to build national unity in order to repel the Chinese aggression, the easier it shall be to fulfil that task. Therefore, I tell this to those who want to under-run us out of sectarian or partisan considerations that they are only helping the Peking Radio. Peking Radio is abusing both Pandit Nehru and the Indian communists. Let us face them unitedly. Let us face the aggressor unitedly and remember that the better and wider the unity we forge, the better it is to meet the enemy with the determination that that victory shall be ours.

An Hon. Member: Ours means?

Shri Daji: Ours means India's. This springs from the justness of our cause, from the greatness of our people, from the national unity that we have been able to forge. Such a unity

can never be conquered and we shall play our honest and fruitful role in national defence and in repelling the Chinese aggression.

श्री प्रकाशवीर शास्त्री : (विजनीर) :

अध्यक्ष महोदय, पांच मिनट तो बढ़त कम रहेंगे ।

श्री विश्वनन्द सेठ (एटा) : कई माननीय सदस्यों को बीस मिनट तक दिये गए हैं ।

अध्यक्ष महोदय : माननीय सदस्य, श्री सेठ, से मुझे यह शिकायत है कि जब मैं ने उन को बुलाया, तो वह हाउस में नहीं थे ।

श्री विश्वनन्द सेठ : मुझे आइडिया नहीं था कि मुझे बुलाया जायगा ।

अध्यक्ष महोदय : माननीय सदस्य को आइडिया कौन देगा ?

श्री विश्वनन्द सेठ : उस के लिए मैं माफ़ी चाहता हूँ । मुझे आज मीका दिया जाय ।

Shrimati Yashoda Reddy: Mr. Speaker, Sir, the latest Chinese statement of cease-fire which virtually amounts to threatening India with peace is an obvious piece of trickery.

Mr. Speaker: We will not take up Mr. Prakash Vir Shastri's motion today. That would be put up in the Order Paper tomorrow. We will finish the Defence of India Bill today. I will give another hour or so for general discussion and then I will call the hon. Minister to reply. After that we will go on with the clause by clause consideration.

Shri Nambiar (Tiruchirapalli): For Clause-by-clause consideration of the Bill two hours are not sufficient.

Mr. Speaker: We will sit longer if necessary. But there ought to be some end to this; we cannot continue with this indefinitely.

Shri Harish Chandra Mathur: We may sit an hour longer if necessary.

Mr. Speaker: We will see. Let us proceed now.

Shrimati Yashoda Reddy: But, Sir, one cannot help entertaining a sneaking admiration for the Chinese people for the way in which they have perpetrated this offer to the world. They have displayed a remarkable sense of tactics. But India is not going to be fooled by that. Whether it is Russia's pressure that has prompted them to have cease-fire or whether China wanted to show to Russia that it can be at the same time peaceful and warlike, or whether it wanted to create a sort of emotional relaxation among our people and a confusion among our friendly countries who are giving us aid, or whether, it may be, that the answer can be found in Mao's declaration some time ago that "in military terms our warfare consists in alternate adoption of the defensive and the offensive", we will have to be very careful. I am glad the Prime Minister said that we will watch them with great care.

But one thing I would like to say, that the realisation of emergency was very slow even in Delhi. I am not going to explain this in detail because in the five minutes given I want to state all my points. But few instances like these, viz.—firstly, the appointment of the Defence Minister was done several days after his nomination. Secondly, the National Defence Council took nearly 18 days to assemble, whereas our friendly countries rushed arms to us in a matter of few hours. Thirdly, Parliament was asked to vote only Rs. 100 crores for defence purposes whereas other country is providing ten times that amount year after year for its defence purposes. It shows that we have been slow. Anyway, the sense of emergency, I think, has

[Shrimati Yashoda Reddy]

come into our people today and we are doing things at a fast rate.

But I have to make one request to the hon. Prime Minister. When he looks into the promised enquiry of India's unpreparedness on the border, I would like him to enlarge the scope to cover the question whether the country's military intelligence was adequate in recent weeks. Even earlier, it was obvious that India's earlier assessment of the size of the Portuguese forces and their equipment was wide off the mark.

My hon. friend Shri Daji very vehemently and very powerfully defended the Communists. I would like to say a few words. Few of those Communists rounded up could have expected to remain at large for long. Sir, when they opposed the resolution they were not merely on the losing side of the debate, they were taking the side of the aggressor. They say that the debate they had was very democratic. Was that the time to put democracy to test? Was there an occasion for any debate? Was there a doubt or necessity for discussion? I am very sorry, Sir, that they want to teach us democracy. There are a number of instances in Communist countries where Communists have been liquidated by the State on the ground that they were anti-majority, anti-party. Is it proper for anybody here to have a personal conviction that the aggressors were right, and that he was just following a democratic or a majority policy? Can they have that considered conviction and then try to follow the majority policy? War demands a total commitment on the part of every citizen, and no one can have any mental reservations. No one who has any mental reservations about the right of his own people to defend themselves, no one who thinks he is only being magnanimous or democratic in agreeing to go along with the majority, has any business to be at large.

It is no pleasure to anyone, and least of all to a democratic government, to see anyone deprived of his liberty. But at a time like this, the question is not of allowing one to hold a dangerous opinion, the question is of facing the risk that the opinion may be reflected in dangerous action in hundred different ways which it may not always be possible to detect or forestall.

I would like to make one appeal to the Communists. If they are really patriotic, even to serve a term behind the bars is an act of patriotism. Some people, Sir, serve on the war fronts, some on the fields and some can serve best by being behind the bars.

Mr. Speaker: She continues addressing me, I suppose?

Shrimati Yashoda Reddy: Through you, Sir, I am appealing.

Mr. Speaker: Not through me to anybody else, but to me direct.

Shrimati Yashoda Reddy: I stand corrected, Sir, I do feel that some people can serve best in the war fronts, some in the production fields, some by remaining silent and, this applies to most of us, and some by remaining behind the bars. The morale and honour of an individual is great, but the morale and honour of the country is far greater. That is why I make this appeal to the Communists. If they had been really patriotic they would not have stopped Dange from going to Moscow. Can a few arrests here change the position of China being the aggressor or India being right. They say as a protest to the Indian Government they will not go.

14 hrs.

The crucial point now is not so much the capacity to sacrifice as providing the enormous wherewithal to

conduct a modern war. The other day I was going through the report of the Central Statistical Organisation and I found that nearly one-fifth of the production capacity is not being utilised resulting in nearly a loss of Rs. 500 crores. We are having nearly 250 industries out of which 110 are working to 75 per cent capacity and others to less than 65 per cent capacity. About waste of manpower it has said that we have nearly 20 million unemployed and 20 million under employed. It is a colossal waste of manpower resources. The colossal waste of manpower resources should be tackled by launching such projects as the land army and national labour service—voluntary or compulsory—and it should have much in common with military service. The National Labour Service might be a joint civilian and military responsibility as was successfully tried out in USA in 1932 when Civilian Conservation Corps was launched to recruit idle youths for national building activities of various types. Take an inventory of our capital resources and try to find out the reasons why we are not utilising them fully. Launch a movement for import substitution through improvisation, inventiveness and adaptation. Our statistical apparatus has to be geared up and thoroughly overhauled to look into this business.

Lastly, I would like to say that my hon. friend said that some of the Congress people were saying something about Government and the Prime Minister. Certainly, the Government is not going to take to task only the Communists. Every person who commits the damage, whether he belongs to the Congress Party or any other party, will certainly be brought to book. On that I have no doubts. I only say that every one of us should stand behind Shri Jawaharlal Nehru, who is a jewel of our nation. By preserving him we preserve our nation.

श्री प्रकाशबीर शास्त्री : अध्यक्ष महोदय, जिन गम्भीर परिस्थितियों में यह विधेयक इस सदन में उपस्थित किया गया है मेरा अपना विचार है कि इस सदन के किसी भी पक्ष का कोई सदस्य इस प्रकार का न होगा जिस की यह राय हो कि इस विधेयक को स्वीकार न किया जाये। साथ ही माथ जिन गम्भीर परिस्थितियों में यह विधेयक आया है, उनको देखते हुए इस के प्रयोग में भी उतनी ही गम्भीरता और पवित्रता वरती जायेगी यह भी सब की इच्छा है। यदि ऐसा न हुआ तो यह भी बहुत सम्भव है कि कभी आगे चल कर इसी प्रकार की कठिन परिस्थितियों का सामना फिर देश को करना पड़े और उन कठिन परिस्थितियों में फिर जनता का विश्वास या सदन का विश्वास ही सरकार से उठ जाये। इसलिये यह अत्यन्त आवश्यक है कि इस विधेयक के प्रयोग में भी उसी प्रकार की सावधानी वरती जाये और इसके लिये बहुत कुछ अच्छा यह है कि जिन हाथों में इस विधेयक के प्रयोग का अधिकार दिया जाये, उनके दिन प्रति दिन के कार्यों में किसी प्रकार का भी हस्तक्षेप न किया जाये। व्यक्तिगत विरोध में आ कर जो दबाव डाला जाता है जिससे विधेयक की आत्मा का हनन होता है उस प्रकार की प्रवृत्ति प्रदर्शित नहीं की जायेगी, ऐसा मेरा विश्वास है।

14.05 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

दूसरी बात जो मैं कहना चाहता हूँ वह अराधीय तत्वों के सम्बन्ध में है। मुझे प्रसन्नता है कि अभी तक यह विधेयक यहाँ पूरा स्वीकार भी नहीं हुआ कि कुछ अराधीय तत्वों की विशेषकर साम्यवादियों माथियों की जो गिरणतारियाँ हुई हैं, उन गिरणतारियों का परिणाम यह निकला है कि हमारे इन साधियों का स्वर बदलना शुरू हो गया है और अब जो भाषा उन्होंने बोलनी आरम्भ की है,

[श्री प्रकाशवार शास्त्री]

वह में समझता हूँ कि आज के पहले उठाये गये पग का परिणाम ही है । अगर आप इसी प्रकार की दृढ़ता इस में लायेंगे तो सम्भव है कि उनकी मानसिक मनेवृत्ति पर भी किसी प्रकार का प्रभाव अवश्य पड़े । यह भी सम्भव है कि साम्यवादी पार्टी में कोई इकाका दुकान देश-भक्त हों जो देश की इन परिस्थितियों में देश का साथ देना चाहें लेकिन जहाँ तक सामूहिक रूप से इस दल का सम्बन्ध है, में समझता हूँ कि देश का विश्वास यह पार्टी खो चुकी है । इसका जो सब से बड़ा कारण है वह में आपके सामने रखना चाहता है । आप इस पार्टी के पिछले इतिहास को देखें । जब हम स्वतंत्रता का युद्ध लड़ रहे थे उस में जब गांधी जी ने देश में व्यक्तिगत सत्याग्रह आरम्भ किया तो इसी पार्टी के सदस्यों ने १९३६ में यह कहा था कि एक एक आदमी को जेल भेज कर भला कहीं देश स्वतंत्र हो सकता है । लेकिन जब गांधी जी ने तीन साल के व्यक्तिगत सत्याग्रह के द्वारा देश में अनुकूल बातावरण का निर्माण कर दिया और १९४२ में यह नारा दिया “हूँ आर डाई” करो या मरो, उस समय इस पार्टी ने कहा कि गांधी जी ने यह क्या काम किया, एक साथ सारे देश को क्रान्ति की भट्टी में झोंक दिया, पहले देश को तैयार तो कर लिया होता । गांधी जी ही नहीं, नेता जी सुभाष चन्द्र बोस ने जिस समय आजाद हिन्दू फौज का निर्माण किया तो इसी पार्टी के सदस्य थे जिन्होंने उनको विजयलिंग, कोमी गढ़ार और जाजानी कुत्ता कह कर पुकारा था और कहा था कि सुभाष चन्द्र बोस यहाँ पर जापान की हुक्मत लाना चाहते हैं । इस का कारण क्या था ? साम्यवादी जो आज पूँजीवाद को बुरा कहते हैं । दूसरे महायुद्ध के समय उसी पूँजीवाद और साम्यवाद की मंत्री थी और उस समय चर्चिल और स्टालिन दोस्त थे, रूज़वल्ट और स्टालिन दोस्त थे । हिन्दुस्तान के स्वतंत्रता आनंदोलन से अंग्रेज को चोट

लगती थी, अंग्रेज को चोट लगने का अभिप्राय यह था कि चर्चिल को चोट लगती थी और चर्चिल को चोट लगने का अभिप्राय यह था कि कम्युनिस्टों के भाग्य विधाता स्टालिन को चोट लगती थी, इसलिये वे गांधी जी को भी बुरा कहते थे, सुभाष बाबू को भी बुरा कहते थे । उपाध्यक्ष महोदय, मेरे पास इतना समय नहीं है कि मेरे विस्तार से इस की चर्चा कर सकूँ । लेकिन वास्तविकता से आंख नहीं मूँदी जा सकती है । विभाजन के समय इस पार्टी की गतिविधियां वया रहीं ? काश्मीर के तत्कालीन मुद्य मंत्री शेख अब्दुल्ला के साथ इस प्रकार का रोल बया रहा, इस को भी देश जानता है । जहाँ तक वर्तमान का सम्बन्ध है, मैं कहना चाहता हूँ कि जब तक अन्तर्राष्ट्रीय साम्यवादी संगठन के साथ भारत की कम्युनिस्ट पार्टी का लगाव है, तब तक इस देश में कोई भी इस प्रकार के प्रस्तावों पर या इस प्रकार के वक्तव्यों पर विश्वास नहीं कर सकता है, जिस प्रकार के प्रस्ताव इन्होंने पारित किये हैं या जिस प्रकार के वक्तव्य दिये हैं । सचाई यह है यह पार्टी जनता का विश्वास खो चुकी है । यह पार्टी यदि चाहती है कि देश के हृदय में फिर से अपना स्थान बनायें तो मेरा बड़ा विनम्र सुझाव है कि जब तक देश में संकटकालीन स्थिति है तब तक कम्युनिस्ट पार्टी को राजनीति से सन्यास ले लेना चाहिये और देश की जनता को जितने भी कम्युनिस्ट पार्टी के सदस्य हैं, उनके ऊपर उसी प्रकार की निगरानी रखनी चाहिये जिस प्रकार की निगरानी कि पुलिस हिस्ट्री शीटर के ऊपर रखती है । और अगर इस प्रकार की स्थिति पैदा न हो तो फिर मैं कहूँगा कि सरकार को अपने कर्तव्य का दृढ़ता से पालन करना चाहिये । और उन्हें वहाँ रखना चाहिये जहाँ ऐसे व्यक्ति रखे जाते हैं ।

अराम राज्य के सम्बन्ध में मेरे विशेष स्पष्ट सुन्दर कहना चाहता हूँ जहाँ तक इस

डिफेंस आफ इंडिया बिल का सम्बन्ध है, मैं उसके लिये इसे मुख्य आधार बनाना चाहता हूं। वहां पर पहले ही साढ़े सात लाख पाकिस्तानियों के आने से स्थिति दूषित हो चुकी थी। और अब असम में चीनी आक्रमण ने बड़ी विषम परिस्थिति उत्पन्न कर दी है। जैसी स्थिति आज हिन्दुस्तान की चल रही है उसको देखते हुए हमें असम राज्य के बारे में दो काम करने होंगे। जिन हाथों में इस समय असम राज्य की की-पोस्ट्स हैं (मुख्य पदाधिकारी) हैं उपाध्यक्ष महोदय, परिस्थितियां आज्ञा नहीं देती हैं, कि मैं उन सारी बातों का विस्तार के साथ यहां चर्चा करूं। लेकिन पाकिस्तान से आए हुए साढ़े सात लाख नागरिक जो असम में बस गए हैं, वे असम की होम गार्ड में शामिल हो रहे हैं, विलेज डिफेंस फोर्स में शामिल हो रहे हैं। मैं समझता हूं कि आगे चल कर खतरा है कि कहीं वे वही पार्ट अदा न करें जो पार्ट कि हैदराबाद में रजाकारों ने अदा किया था।

असम राज्य में इन पाकिस्तानियों के आ जाने से किस प्रकार की घटनायें घट रही हैं, इसका एक उदाहरण मैं आपके सामने रखना चाहता हूं। ब्रह्मपुत्र नदी का जो नया पुल बना है, उसका फोटो एक आदमी रहस्यमय ढंग से चारों ओर धूम कर ले रहा था। उसके पास कीमती बारह सौ रुपया बाला कैमरा था। इन तथ्य का असम राज्य के मुख्य मंत्री श्री चालिहा ने कांग्रेस पार्टी में वहां उद्घाटन किया था। जिस समय वह फोटो जे रहा था तो उसको पुलिस ने गिरफ्तार कर लिया। गिरफ्तार करने के पश्चात् एक कमरुदीन नामक व्यक्ति ने उसको एक हजार रुपये की जमानत पर छुड़ा लिया। पहली बात तो यह है कि इस प्रकार के अपराध के लिये एक हजार रुपये की जमानत ही थोड़ी है। लेकिन छुड़ाने के पश्चात् क्या हुआ? वह व्यक्ति तो वहां से गायब हो गया और जिसने जमानत

दी थी, उसको भी आज तक नहीं पकड़ा जा सका है।

उपाध्यक्ष महोदय, असम राज्य की आन्तरिक स्थिति जिसमें जैसा मने कहा वहां साढ़े सात लाख पाकिस्तानी आकर आबाद हो गये हैं। और अब चीन का अतिक्रमण हुआ है। इन सब बातों को देखते हुए संभव है कि कल आपको कोई तत्काल निर्णय लेने पड़े। ऐसी स्थिति में मेरी यह स्पष्ट राय है कि जब तक संकटकालीन स्थिति रहती है, केन्द्र सरकार को असम का शासन अपने हाथों में ले लेना चाहिये ताकि कल को और किसी कठिन परिस्थिति का सामना न करना पड़े।

उपाध्यक्ष महोदय : अब आप खत्म करें।

श्री प्रकाशबीर शास्त्री : पांच मिनट तो मैं समझता हूं देना उपयुक्त नहीं होगा। मैं दो मिनट में खत्म किये देता हूं।

उपाध्यक्ष महोदय : नी मिनट ले लिये हैं। यह सब आप कह चुके हैं। यह अब पुनरुक्ति है।

श्री प्रकाशबीर शास्त्री : मैं यों कह कर अन्त में अपनी बात समाप्त करता हूं कि जब तक संकटकालीन स्थिति है वेकिंग और पाकिस्तान के रेडियो सुनने पर प्रतिवन्ध लगा दिया जाए। ये दोनों ही बड़ा ध्रम और रोप पैश कर रहे हैं और उनके द्वारा भारत में विगाड़ पैदा करने की कोशश की जा रही है। जहां हम डिफेंस आफ इंडिया बिल पास कर रहे हैं वहां हमें एक यह काम भी जरूर करना चाहिये।

Shri M. Ismail (Manjeri): Mr. Deputy-Speaker, the Defence of India Bill is a necessary measure in the situation in which we have been placed by the Communist attack. Just when the people were getting

[Shri M. Ismail]

in their strides and when the countries of the world were rallying round our country with their sympathy and with their appreciation of our position, the communists have introduced the so-called peace move. So far as we are concerned, I think and the world also thinks in the same way now, the Communist move is nothing more than a ruse, a snare to deceive us. It is a propaganda stunt in order to make us relax in our effort. It is also a move and an effort to isolate us from the friendly powers who have been helping us. Their idea seems to have been, and we find that it is really so, that we will, as a result of their peace move, relax our war effort and that we shall not be getting the foreign aid so briskly and quickly and in such a large measure as we are now getting. As a result of our relaxation, the Communists might have calculated, the powers who were helping us might become cooler in their intentions to help us. Therefore, according to them, in this way we shall not be prepared for another attack by the Chinese, when they think it fit to perpetrate such an attack. This seems to have been their idea. I think our Government also have come to appreciate the position in this light, and every one in the country thinks that we should not, under any circumstances, relax our preparations or relax our alertness and preparedness for the war effort.

It is highly regrettable that Pakistan is still not able to appreciate that what is our danger is a danger to herself. The world now appreciates that it is an expansionist move on the part of China. Many sensible people have come to this conclusion. So, even now, it is in the self-interest of Pakistan to see and appreciate that it is only a question of time when the Chinese will attack them. Whether they appreciate it or not, that is not very much our concern. Now they have offered a no-war pact. So

far as we are concerned, we know what a no-war pact of China is. We have got the experience of the Panchsheel agreement to which we solemnly adhered and which they were tom-toming to the world. Now, whatever may be the attitude adopted by Pakistan and whatever be the future action of the Chinese Government, the people are united and they have risen, every community, every section of the people in the country has risen, and they feel that whoever may be the invaders the people will face them with determination and decision. Therefore, this is the assurance that Government must have deeply in their heart, and they should go forward with their preparations.

The Defence of India measure, as I said, is a very necessary measure in the circumstances in which the country is placed. Though we have had in the present century, in the past, two such Defence of India Acts, the present Bill differs deeply from the previous Defence of India Acts. During those times, during the first and second world wars, India was not a free country. We were slaves under them. What we can at best say of those two previous Acts is that they were intended for saving us, Indians, so far as we were concerned, from more rigorous and ruthless slavery than we were under at that time. But now this Defence of India Bill is a measure that has been forged by the people themselves through their Government.

Of course, there are restrictions and restraints on the freedom of the people. But, I am sure that the Government will so administer this Act as to make these restrictions and restraints more as a guide to the people as to what they should do and what they should not do under this emergency than real restrictions and restraints upon the freedom of the people. Even if there were restrictions, they are small restrictions concerning small freedoms and all this

is for saving the greatest of freedoms, the freedom of the country and for maintaining the honour and the integrity of our country. I am sure that Government will so administer it as to make the people confirmed in their belief that it is for the supreme national service. I am sure that every industry in the country will make its supreme effort to supply the needs of the people as well as of the Army.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri M. Ismail: I want to mention a word about one of the important industries of the country, that is, the tanning industry. It has played a historic role during the First World War. As an instance of the importance of the industry I would mention only one fact. During the peak of the First World War the upper leather of every boot that was worn by every one of the soldiers of all the allied armies was supplied by India. It is such a huge effort that that industry was capable of making during that war. Now during this national emergency, I am sure, it will rise to the occasion and will make that effort, not for profit but as a national service for the honour, freedom and the integrity of the country.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri M. Ismail: Now only one word more. The agriculturist population is the largest section of the population in the country. They are simple, unsophisticated but sincere people. They know the national emergency. Every one of them is earnest to do his best. They have no second thoughts about it. Therefore they will make every effort to increase production. Under these circumstances, what I would request the Government is to administer the provisions of the Defence of India Bill in such a way as not to divert their attention from production and not to distract their attention by the

technicalities of the law but to encourage them in their effort. I am sure we shall win in the end.

Mr. Deputy-Speaker: He should conclude. This is third time I am ringing the bell. Dr. Govind Das.

Shri M. Ismail: We are sure to win.

डा० गोविन्द बास (जवलपुर) : उपाध्यक्ष महोदय, मैं इस विधेयक का हृदय से समर्थन करता हूँ। उस दिन भी मैंने इस विधेयक पर कुछ कहा था। बाद मैं मझे मालूम हुआ कि मैं गलती कर रहा था। जब मुझे यह मालूम हुआ तब मुझे महाभारत की एक कथा याद आ गई। जिस समय कौरवों और पांडवों की शस्त्र परीक्षा थी उस समय एक चिड़िया को रखा गया था दरख़त के ऊपर। दोनों से यह कहा गया था उनको चिड़िया की आंख में निशाना लगाना है। द्रोणानायं ने नव से पूछा कि तुमको क्या दिखाई देता है। किसी ने कहा कि मुझे आप मव दिखाई देते हैं, यह दरख़त दिखाई देता है, यह चिड़िया दिखाई देती है। किसी ने कहा मुझे दरख़त दिखाई देता है। किसी ने कहा मुझे चिड़िया दिखाई देती है। अर्जुन ने कहा मुझे चिड़िया की केवल आंख दिखाई देती है। स्वतन्त्रता के संग्राम में जिन लोगों ने भाग लिया है उन्हें इस समय केवल यह एक बात दिखाई देती है, और वह है भारत की स्वतन्त्रता। और कुछ उनको दिखाई नहीं देता। इसलिये मुझ से इस प्रकार की गलती हो जाने से मेरी विशेषता बढ़ती है, ज्ञान की कमी उससे सिद्ध नहीं होती क्योंकि आखिर मैं पिछले चालीस सालों से इस सदन में काम कर रहा हूँ।

जहां तक साम्यवादियों का सम्बन्ध है, मैंने बहुत कुछ उनके लिये कहा है, श्री हीरेन मुकर्जी के लिये कहा है। मेरे उस भाषण को इसमें शामिल कर दिया जाए।

[डा० गोविन्द दास]

जहां तक मुझदा जोशी जी का सम्बन्ध है कांग्रेस वालों को उनका भाषण सुन कर जरा आश्चर्य हुआ होगा । लेकिन मुझे कोई आश्चर्य नहीं हुआ । दो बर्ष पहले जबलपुर में हिन्दू मुस्लिम दंगा हुआ था दो मुझदा जोशी जी वहां भेजी गयी थीं । और उन्होंने वहां जा कर सब से पहले कम्युनिस्टों से अपना रक्त जब्त किया । हम को उस वक्त अनप्रोप्रेसिव कहा जाता था और ये प्रोप्रेसिव समझी जाती थीं । यह जो प्रोप्रेसिव और अन प्रोप्रेसिव वाली चीज़ पैदा हुई इससे हमारे यहां बहुत बड़ी पंचायतें हो गयीं । अगर ऐसे अवसर पर भा पंडित जवाहर लाल नेहरू सदृश्य हमारे राष्ट्रीय वीर के प्रधान मंत्री होते हुये भी हम इस विधेयक को पास नहीं करते हैं, उनका विश्वास नहीं करते हैं जबकि देश पर संकट आया है, तो मैं नहीं समझता कि हम क्या कर रहे हैं ।

जहां तक इस देश का सम्बन्ध है, प्रकाश वीर शास्त्री जी ने जो साम्यवादियों के सम्बन्ध में कहा है उससे मैं सहमत हूँ । अभी मुस्लिम लीग के अध्यक्ष बोल रहे थे । मैं उनको बहाना चाहता हूँ कि अगर उनमें सच्ची देश भवित है तो उनको इस अवसर पर मुस्लिम लीग को समाप्त कर देना चाहिये और जो भी इस तरह के राष्ट्रीय विचार हैं उनको कांग्रेस में आ जाना चाहिये ।

एक माननीय सदस्य : हिन्दू महा सभा को भी समाप्त कर देना चाहिये ।

डा० गोविन्द दास : जहां तक इस विधेयक का सम्बन्ध है, हमें जहां एक तरफ फौजी तैयारी करनी है, वहां दूसरी तरफ हमें अन्तरिक सुरक्षा का भी पूरा ध्यान रखना है । हमारे देश की एक बड़ी कमज़ोरी रही है । जब हमारे देश पर सिकन्दर का आक्रमण हुआ तो उस समय राजा आम्भीक उसका स्वागत करने के लिये तैयार था, जिस समय हूँगों का देश पर आक्रमण हुआ

तो गुप्तों के विरुद्ध बौद्ध उसका स्वागत करने के लिये तैयार थे, जिस समय मुसलमानों का आक्रमण हुआ उस समय जयचन्द उनका स्वागत करने को तैयार थे और जब अंग्रेजों का आक्रमण इस देश पर हुआ तो उनका स्वागत करने के लिये अमीरनंद और मीरजाफ़र मौजूद थे ।

मैं इतिहास का एक छोटा सा विद्यार्थी रहा हूँ । हम जब अपने देश का पुराना इतिहास देखते हैं तो हमें विचार आता है कि हमको ऐसे लोगों से आगाह रहना है और सरकार को और देश को ऐसे लोगों से सतकं रहना चाहिये ।

जहां तक हमारी योजनायेंओं का सम्बन्ध है, आज ऐसा अवसर आ गया है कि हमको कृषि और उद्योग धन्धों का काम करते रहना चाहिये और उनके उत्पादन को बढ़ाना चाहिये ।

मैं कल्चरल चीजों का समर्थक हूँ, सांस्कृतिक चीजों का समर्थक रहा हूँ और अब हूँ, लेकिन मैं आपसे कहना चाहता हूँ कि इस समय सांस्कृतिक चीजों को बन्द बर देना चाहिये । हमको केवल देश का उत्पादन बढ़ाने पर ध्यान देना चाहिये और फौजी तैयारी करनी चाहिये ।

इतना ही कह कर मैं इस विधेयक का हृदय से समर्थन करता हूँ ।

Mr. Deputy-Speaker: Shri Bishan-chander Seth.

श्री प० ला० बालूपाल (गंगानगर) : और सदस्यों को दो दो तीन तीन बार बोलने का अवसर मिल चुका है और मुझे एक बार भी अवसर नहीं मिला है ।

श्री रामेश्वरानन्द (करनाल) : मुझे समय नहीं दिया गया । मैंने पहले भी लिख कर दिया था ।

Shrimati Laxmi Bai (Vicarabad): There are only 5 per cent lady Members in the House and out of that only 3 per cent are active, but you are not encouraging them.

श्री विश्वनन्दन सेठ : आदरणीय उपाध्यक्ष महोदय, यह बिल बहुत ही महत्वपूर्ण है। इस बिल के सम्बन्ध में कोई बात कहने से पहले मैं निवेदन करना चाहता हूँ कि मैं इसको मान्यता देता हूँ। इस बिल की आज नितांत आवश्यकता थी। आज देश में इमजेंसी लगी हुई है, जिन कारणों से लगी है उन का मैं परिचय देना नहीं चाहता। मैं इस बिल का स्वागत करता हूँ।

लेकिन इसके साथ साथ यह नितांत आवश्यक है कि इस बिल का दुरुपयोग सरकार के द्वारा नहीं होना चाहिये। आज लोगों में बड़ी सदभावना पैदा हो गयी है, अगर इस बिल का दुरुपयोग हुआ तो लोग इसको शंका की दृष्टि से देखने लगेंगे और उस सदभावना में कमी हो जायेगी जो कि आज किसी भी प्रकार उचित नहीं। इम सदभावना का जारी रहना नितांत आवश्यक है।

मैं तो समझता हूँ कि यह बड़े सौभाग्य की बात है कि चीन ने हम पर हमला किया। इसका परिणाम यह हुआ कि कोंप्रेसी सज्जन यह समझते थे कि चाहे दुनिया में कोई कुछ कहे हमको नहीं सुनना है, आज उनका दिमाग ठिकाने आ गया और उनकी समझ में आ गया है कि देश को सेना की दृष्टि से तैयार करना चाहिये। अगर इम परिस्थिति का निर्माण न होता तो मैं आपको विश्वास दिलाना चाहता हूँ कि डिफेंस के बड़े बड़े कारखानों में थरमरा पलास्क के गिलास ही बनते रहते। ये सारी की सारी चीजें देश के दुर्भाग्य का चिन्ह थीं। आज चीन के आक्रमण के कारण हमारे देश के लोगों को मजबूर होकर सोचना पड़ा है कि वस्तुस्थिति बया है।

सीज़ फायर के सम्बन्ध में एक बहुत ही महत्वपूर्ण बात आप के सामने रखना

चाहता हूँ। चीन ने सीज़ फायर का जो प्रस्ताव रखा है अभी तो वह आदरणीय प्रधान मंत्री के विचारधीन है। एक और चीनी कह रहे हैं कि सन् १९५६ की रेखा मानी जाय और दूसरी ओर हम द सितम्बर सन् १९६२ की बात कह रहे हैं। मैं इस विवाद में नहीं पड़ना चाहता कि प्रधान मंत्री जी आठ सितम्बर की बात क्यों कह रहे हैं इस का कारण उन्होंने सदन में बताना उचित न समझा होगा, लेकिन मैं इतना कहना चाहता हूँ कि इस के कारण आज देश में एक कनपूजन फैल रहा है। एक और हमारी सरकार द सितम्बर की बात कह रही है और दूसरी ओर चीन सन् १९५६ की कह रहा है। इस से एक घपला पैदा हो गया है। अतः सरकार का यह नीतिक कर्तव्य हो जाता है कि वह इस चीज़ को शीघ्र स्पष्ट करे क्योंकि जब पालियामेंट के सदस्यों को दी इस की सही जानकारी न होगी तो अगले लोगों को कैसे हो सकती है। लिहाजा सहो स्थिति देश के सामने होनी ही चाहिये।

साथ ही मैं एक और बात कहना चाहता हूँ। आज चीन ने आक्रमण कर के हमारी आंखें खोली हैं। यदि कल को कल्पना कीजिये —यद्यपि मेरा विश्वास है कि ऐसा नहीं होगा—कि चीन के साथ कोई पैकट हो जाय और लड़ाई शान्त हो जाय, तो इस का यह अर्थ नहीं होना चाहिये कि हमारी सैनिक तैयारी रोक दी जाय। आज देश एक हो गया है, सारा देश आप के पीछे बाम करना चाहता है। अगर आप ने इस परिस्थिति का लाभ न उठाया तो यह देश के लिये बड़ा दुर्भाग्य होगा। अतः मैं इस सदन के द्वारा अपनी सरकार और देश को चेतावनी देना चाहता हूँ कि देश के जितने भी घटक हैं और मरकारी घंट्र के जितने भी अधिकारी हैं, उन का यह नीतिक कर्तव्य है कि वे इस परिस्थिति का लाभ उठायें और सारे देश को तैयार करें।

[श्री विश्वनन्द सेठ]

हमारे यहां जो विदेशी मिशन आया है उस का कहना है कि हमारे यहां बोस लाख मिलिटरी होनो चाहिये। मैं इस को काफी नहीं समझता। जब छोटा सा देश जरमनी काफी बड़ी फौज रख सकता था तो हमारे इतने बड़े देश में एक करोड़ से कम फौज हरगिज नहीं होनी चाहिये। जब जरमनी जैसा छोटा देश ४० लाख फौज रख सकता है तो हमारा तो ४४ करोड़ का देश है। यहां एक करोड़ फौज होनी ही चाहिये। हां इत बात को मैं मानता हूं कि हमारे यहां २० लाख रेव्युलर फौज रहे और उस के पांचे ६० लाख ऐसी सेना रहे जिस को कि जब काल किया जाय तो तैयार हो जाय। ऐसा करने से सरकार को खर्च भी ज्यादा नहीं पड़ेगा। आज हमारे पास जितनी फौज है चीन के पास उस से बहुत ज्यादा है। इमरिये हमें अपने को उस के मुकाबले के योग्य बनाना चाहिए।

मैं एक चीज और आप के मामने रखना चाहता हूं। पाकिस्तान के अद्वारां में जो समाचार छप रहे हैं और पाकिस्तान रेडियो से जो सूचनाये दो जा रही हैं उन के सम्बन्ध में मुझे कुछ कहना है। आप पाकिस्तान के साथ चाहे किसी प्रकार का कम्प्राइज करें, कैसी भी शान्ति की बातें करें, लेकिन हम देखते हैं कि जब से पाकिस्तान का जन्म हुआ वह हमें बरावर चेतावनी देता रहा है कि तुम अपनी जगह पर महीं हों और दोनों कारण आज हमारी कमजोरी का देख कर वह काश्मीर का हाथ्याने के लिये, जोकि विल्कुल हमारे देश का भाग है, दबाव डाल रहा है। मैं आप को यह भी बतलाना चाहता हूं।

उपाध्यक्ष महोदय : अब आप खत्म करें।

श्री विश्वनन्द सेठ : अभी मुझ को दस मिनट नहीं हुआ।

उपाध्यक्ष महोदय : पांच मिनट दिया गया है।

श्री विश्वनन्द सेठ : श्रीमती रेणुका रे २५ मिनट बोलों।

Mr. Deputy-Speaker: I am sorry; there are still 4 or 5 Members to speak.

श्री विश्वनन्द सेठ : श्रीमती रेणुका रे २५ मिनट बोलों और कांग्रेस के दूसरे सदस्य भी काफी समय तक बोलें, जब मुझे आप के बल पांच मिनट देना चाहते हैं, आप ने सब को दस दम मिनट दिये हैं। मुझे भी दस मिनट दीजिये। मैं ११ मिनट नहीं चाहता।

Mr. Deputy-Speaker: It is not possible. Mr. Speaker has already said that it is only five minutes.

Shri Bishanchander Seth: Everybody takes 10 minutes.

Mr. Deputy-Speaker: I am sorry.

Shri Bishanchander Seth: They have already taken. Why not for me?

Mr. Deputy-Speaker: The hon. Member has taken five minutes. I am giving five minutes to each now.

श्री विश्वनन्द सेठ : तो मैं यह कह रहा था कि आगर आप ने पाकिस्तान के संबंध में छिनाई की तो उस का सारे देश पर बुरा प्रभाव पड़ेगा और उस गलनी का फिर देश को बोला उठाना पड़ेगा। मैं यह महत्वपूर्ण बात सदन के सामने रखना चाहता हूं। यहां बोलना कोई ऐसी बात नहीं कि हमें ज़रूर ही बोलना है, लेकिन इस सम्बन्ध में हमारी जो विचारधारा है मैं समझना हूं कि इस हाउस को, उपाध्यक्ष महोदय को और जितने मंत्रीगण बैठे हैं उन्हें समझना चाहिये कि हमारे दिल में कोई बात है जिस के कारण हम बोल रहे हैं, महज बोलने का शोक है इसलिये नहीं बोल रहे हैं बल्कि हमारे पास जो कुछ चीजें हैं उन्हें हम हाउस

के सामने रखना चाहते हैं और अगर उस के लिये उपाध्यक्ष महोदय, आप समय नहीं देंगे तो यह बड़ा भारी हमारे पक्ष में अन्याय होगा ।

आज के समाचारपत्र के अनुसार विदेश मंत्रालय के एक प्रवक्ता ने यह कहा है कि पाकिस्तान के साथ युद्ध न करने की संधि जो नेहरू जी की ओर से अब भी यथापूर्व कायम है उसे कभी बापस नहीं लिया गया । इस सम्बन्ध में मेरा निवेदन है कि इस किसी की बातों का पाकिस्तान पर कोई प्रभाव पड़ने वाला नहीं । पाकिस्तान की नेशनल पार्लियामेंट के अम्दार जम प्रबाह की स्पीचेज हुई और जो जो चीजें उन्होंने कहीं अख्दारों में छपी हैं उन्हें पढ़ने के बाद ऐसा प्रतीत होता है कि आज वह लोग आग लगा रहे हैं । तथा पाकिस्तान बाले मौका देख रहे हैं कि किस तरीके से हम हिन्दुस्तान पर हमला करें । हमारी तरफ से अगर किसी तरह की जारा भी कमी या गफलती हुई तो हम एक नये ख़तरे को देख के सामने लाकर खड़ा कर देंगे ।

अन्त में मैं बेबल एक बात बतलाना चाहता हूँ । मैं कम्युनिस्ट पार्टी की गीत नीति के बिलकुल विरुद्ध हूँ । मेरी बिलकुल डेफेनिट राय है कि इस पार्टी को बैन करिये । आप ने थोड़े से आदमी गिरपतार करके उन्हें इस बात के लिए प्रोत्साहित किया है कि वे अंडर-ग्राउन्ड चले जायें और अधिक मात्रा में और तेज़ी से अपना काम करें । अगर उन की राष्ट्रविरोधी गतिविधियों को आप को ऐकत्वाली बन्द करना है तो पार्टी को बैन करिये अन्यथा थोड़े में आदमी गिरपतार करना लाभप्रद के बजाय हानिप्रद है । बस इन्हीं शब्दों के साथ मैं अपना व्याख्यान समाप्त करता हूँ ।

Shrimati Jyotsna Chanda (Cachar):
Mr. Deputy-Speaker, I do welcome the Defence of India Bill, 1962 which has been placed before the House at

this hour of national emergency. Much apprehension has been expressed by some of my colleagues in this House that indiscriminate arrests have been made. But, what I feel in this context is that more vigilance should have been exercised by the Government and arrests have been made earlier of those anti-nationals who have been resorting to subversive activities. There have been attempts of sabotage in my State of Assam during the last few days. But, only last Thursday, I saw in the papers that anti-national elements have been detained in Assam.

In this context, I draw your attention to the fact that one ex-M.L.A. in Dibrugarh, in the last language disturbances, expressed in a public meeting that in no circumstances Bengali should be the State language in Assam; it is better to unite with China; we welcome Chinese than Bengali. But, so far as my information goes, that ex-M.L.A. has not been arrested yet.

As has already been pointed out by my colleagues from Assam, civil defence should be further strengthened in my State. I like to draw the attention of the Government to a newspaper report that during evacuation 800 convicts of the Tezpur jail and some inmates of the lunatic asylum were released. I was more surprised to find that even medical staff of the hospital in Tezpur evacuated leaving the patients un-attended. Fire broke out and there was no fire brigade or fire-fighting staff in the town. I do feel that in an evacuated town, more vigilance has to be exercised by the civil administration.

The attention of this House has been again and again drawn to the illegal infiltration from Pakistan into Assam. I would urge upon the Government to maintain strict vigilance on the activities of the infiltrators who have no allegiance to this country.

[Shrimati Jyotsna Chanda].

I am pained to learn that a person with questionable public support has been appointed Chief of the Civil Defence in Assam.

I would like to draw the attention of the House in all humility, knowing nothing of Defence administration, that while our budget estimate for 1962-63 is Rs. 343 crores, with a capital expenditure of Rs. 33 crores, thus totalling Rs. 376 crores, and even adding the Rs. 100 crores that have recently been voted by this House, this amount is nothing to meet the present emergency. The voluntary donations which are coming spontaneously, from rich and poor, will not be sufficient to meet the present requirements for fighting the enemy. We must increase men and arms double, if not more, to fight the enemy—which requires huge expenditure. So I would suggest with humility to the Government to find out measures for higher taxation to meet the situation.

At the same time I would request the Government to have massive propaganda by radio broadcast to keep up the morale of the nation and also to bring to them the confidence that not only at present but for long years to come we shall have to go through harder days. I do feel that unless the morale of the civil people is maintained, the psychological upsurge will show down which might affect our military morale also.

I would also like to submit that while the sun rises and sets early in the eastern States of the country the working hours should be changed.

While supporting the Bill I would like to draw the attention of the Central Government to the need for seeing that the powers vested under this Bill are properly exercised by the executive, particularly in Assam. Because, during the last disturbances in Assam in 1960 and 1961 the civil administration had completely collapsed for some days and failed to give any protection to the citizens.

Lastly, Sir, my State has suffered again and again since Independence, due to some reason or the other. A large section of the refugee population is still to be rehabilitated, and so it is but natural that apprehensions are there in their minds about being uprooted again. Therefore I would urge upon the Government, as a humble representative of a border State, to exercise the utmost measures so that the citizens of Assam have less suffering at this critical juncture.

With these words I support the Bill and extend my thanks to you for giving me this opportunity to speak.

श्री बूजराज सिंह (वरेलो) : उपाध्यक्ष महादय, डिफेंस आफ इंडिया बिल पर कुछ बोलने से पहले मैं यह उचित समझूँगा कि जो हमारे जवान अपनी जानों को कुर्बानी दें चुके हैं, देश की रक्षा के लिए जिन्होंने अपने प्राणों को बलि चढ़ाई है उन के लिए मैं अपनों श्रद्धांजलि पेश करूँ और जो जवान अपनी जान की बाज़ी लगा कर मोर्चों पर लड़ रहे हैं उन के प्रति आदर और श्रद्धा से मैं आपना मस्तक झुका दूँ ।

मैं इस सदन के सामने बिलकुल साक कर दूँ कि मैं और मेरी पार्टी इस बिल के लिए पूर्ण सहयोग और समर्थन दे रही है ।

एक माननीय सदस्य : कौन पार्टी ?

श्री बूजराज सिंह : जनसंघ । मेरी पार्टी इम राष्ट्रीय संकट के अवसर पर सहयोग और समर्थन का मदूर दे रुही है ।

यू० पी० लैंड टैक्स बिल जो कि उत्तर प्रदेश विधान सभा में चल रहा था और जिसका बड़ा भवंकर विरोध मेरी पार्टी कर रही थी, राष्ट्रीय संकट को ध्यान में रखते हुए, हम ने अपने उस आंदोलन को वापिस लेने में जरा भी आनाकानी नहीं की । हमने सरकार विरोधी आन्दोलन केवल वापिस ही

नहीं लिया अपितु गवर्नरमेंट को पूर्ण सहयोग और समर्थन देने का बायदा भी किया ।

मैं नहीं समझ सकता कि जब हम सरकार को अपना पूर्ण समर्थन और सहयोग देने की बात कह चुके हैं तो कुछ अधिक इस बिल के बारे में कहने की आवश्यकता रह जाती है । फिर भी मैं यह निवेदन करूँगा कि यह बिल जिस मूरत में लाया गया है, वह कोई वहुत बड़ी प्रसन्नता या खुशी की स्थिति नहीं है, बल्कि एक बड़ी मजबूरी की बजह से, देश पर हुए चीजों आक्रमण के कारण, इस बिल को लाना पड़ा है ।

इस के लाने से जनता के मौलिक अधिकारों को थोड़ा धक्का लगता ही है, लेकिन उस का कोई विकल्प नहीं है, क्योंकि इस स्थिति में उस धरके से बचा नहीं जा सकता है । मैं यह निवेदन करूँगा कि मौलिक अधिकार देश की सुरक्षा और आजादी से कभी भी आगे नहीं जाते हैं । यदि हमारे देश की आजादी रही, तो हमें अपने मौलिक अधिकार फिर से प्राप्त होंगे तभी तक वे हमेशा हमें प्राप्त रहेंगे । इस लिए उन के सम्बन्ध में परेशान होने की कोई ज़रूरत नहीं है । इस बिल में कहीं भी अपना शरीर और खून देने की बात नहीं आई है । इस कानून के द्वारा कहीं भी भरती की व्यवस्था नहीं की गई है और लोगों से शरीर और खून नहीं मांगा गया है । अपने शरीर और खून की हिफाजत करने से वड़ा मौलिक अधिकार कोई नहीं है, लेकिन आज देश के कोने कोने में जनता अपना शरीर और खून देश की रक्षा के लिए अर्जित करने के लिए तैयार है । मैं नहीं समझता कि मौलिक अधिकारों को धक्का लगाने की कोई शिकायत हमारी जनता को है ।

जनसंघ के बारे में आज तक केवल एक ही शिकायत गुनने को मिलती थी— और हमारे प्रधान मंत्री जी ने भी कभी कहा—कि ये लोग बड़े जंगज़ हैं और ये बड़े

जंगजुआना तरीके से सोचते और काम करते हैं । मुझे बड़ी प्रसन्नता है कि आज हमारी सरकार ने यह मान लिया है कि जंगजू होना ही आवश्यक है । जिस शान्ति की स्थापना के लिए आज हम ने इतना बड़ा खत्तरा मोल लिया है, उस शान्ति को कायाम रखने के लिए भी जंगजू होना कितना आवश्यक है, यह बात स्वेच्छा और क्यूंवा के अगड़े से काकी हृद तक साफ़ हो चुकी थी । जैसा कि हमारे प्रधान मंत्री जी ने कहा है, हम लोग एक प्रकार की निदा में पड़ गये थे, लेकिन वर्तमान परिस्थिति का मुकाबला करने के लिये हम जागरूक हो गये हैं । यदि हम लोग वास्तव में जागरूक हो गये हैं और हम ने दोस्त और दुश्मन की पहचान कर ली है, तो जिस प्रकार प्रधान मंत्री जी ने चीन के हमले का स्वागत किया है और उस का शुक्रिया अदा किया है, वैसा ही करने के लिए मैं भी तैयार हूँ । लेकिन हमें देखना है कि क्या वाकई हम ने अपनी आंखें खोल ली हैं और अपने दोस्त और दुश्मन को परख लिया है ।

हमारे कम्यूनिस्ट भाइयों ने अभी एक रेजन्यूशन पास कर दिया कि चीन के हमले का मुकाबला करने में हम सरकार के साथ हैं । मैं यह निवेदन करना चाहता हूँ कि उन की पेयरेन्ट आइडियालोजी तो पीकिंग में बैठी हुई है । उन के शरीर और बचन यहां हैं, लेकिन उन के मन और प्राण पीकिंग में हैं ।

कांग्रेस की एक सदस्या, श्रीमती सुभद्रा जोशी, ने उस रोज़ बड़े गर्व से कहा कि हाँ, मैं कम्यूनिस्ट की पत्नी हूँ । लोगों को ताज्जुब भी हुआ ।

An Hon. Member: Did she say so?

Shri Brij Raj Singh: She did say और बड़े गर्व से उन्होंने कहा । ठीक है, एक भारतीय ललना के लिए अपने पति के विचारों के साथ गर्व के साथ होना एक गौरव की बात है और उन का गर्व बेतुका नहीं था ।

श्री राजेश्वाल व्यास (नज़र्जन) : विचारों के साथ होने की बात उन्होंने नहीं कही।

श्री बृजराज सिंह : मैं यह नहीं कह रहा हूँ कि उन्होंने यह कहा। मैं यह कह रहा हूँ कि यह गौरव की बात है कि वह अपने पति के विचारों के साथ रहे। लेकिन उन के लिए भी दुविधा है। उनका तन और वचन तो इधर मौजूद हैं, पर उन का मन और प्राण अपने पति की पार्टी के साथ हैं। उन के लिए एक मजबूरी है। वह एक भारतीय ललना है। वह कहां तक पान के साथ द्वेष कर सकती हैं और कहां तक उन से अलग रह सकती हैं।

सरकार ने बार-बार आश्वासन दिलाया है कि अब हमारी आंखें खुल चुकी हैं। हम यह जानना चाहते हैं कि क्या उन की आंखें इस हद तक खुल चुकी हैं कि वे अपनी आस्तीन में एक बार आंक कर देखें कि वहां पर सांप चनप रहा है या मुर्दा पड़ा है।

अन्त में मैं यह कहना चाहता हूँ कि ए० आर्ड० सी० सी० ने एक मर्कुलर निकाला, जिस में स्वतंत्र पार्टी और जन संघ को बड़ी शंका की निगाहों से देखा गया है। इस के साथ ही उस में यह भी कहा गया कि चूंकि ये पार्टियां प्रधान मंत्री के बारे में बोलती हैं, इस लिए उन की निगरानी रखनी चाहिए

श्री उ० मू० त्रिवेदी : उस में कहा गया है कि वे गदार हैं, ट्रेटर्ज हैं।

श्री बृजराज सिंह : . . . और जो प्रधान मंत्री जी के विरोध में बोलते हैं, वे गदार हैं।

श्री श्यामलाल सर्वक (जम्मू तथा काश्मीर) : “गदार” नहीं कहा।

श्री उ० मू० त्रिवेदी : “गदार” परा, उन्होंने “ट्रेटर” वर्ड यूज किया, जो कि “गदार” से भी बढ़ कर है।

श्री बृजराज सिंह : मैं जानता हूँ कि कुछ लोगों के ये वचन मात्र कि हम आप के साथ हैं, उन की वफादारी का सुबूत मान लिय गया लेकिन चूंकि हम वचनों से उन को प्रसन्नता नहीं दे सकते, इस लिए हमारे प्राणों की आहूति देने के बाद भी हमारी वफादारी का सुबूत नहीं मिलता। मैं प्रधान मंत्री जी से यह नम्र निवेदन करूँगा कि यह उन की शब्दसंयत पर लाई गई बात है, इस लिए चाहे वह अपनी पार्टी में पथक हों, वह अपनी पार्टी के अधिकारी न हों और चाहे पहले उन को उस सकुलर के बारे में कुछ पता न रहा हो, वह इस बारे में एक स्टेटमेंट दें और बतायें कि क्या वह इस बात से बड़े प्रभाव हैं कि उन के बारे में उन की पार्टी कहे कि जो लोग उन के बारे में टीका-टिप्पणी करें, वे गदार हैं और उन को गदार की मंजा दी जाए।

इन शब्दों के साथ मैं इस विवेयक का पूरा समर्थन करता हूँ और बड़े विश्वास के साथ यह कहने के लिए तैयार हूँ कि जब तक हम चीन से अपनी एक एक इच्छा भूमि खाली नहीं करा लेंगे, तब तक हम शान्त नहीं बैठेंगे और अन्त में विजय हमारी ही होगी, क्योंकि हम सच्चाइ पर चल रहे हैं।

Shri P. G. Sen (Purnea): Before I thank you for giving me this opportunity, I stoop low in reverence to the soldiers who have laid down their lives in trying to protect the freedom of our Motherland. More so, those who are wounded and handicapped and are lying in hospitals or are war prisoners or are standing there in the bosom of the Himalayas can rest content that they have become wounded or have become prisoners for the freedom of the Motherland.

We have before us the Defence of India Bill incorporating all the ordinances that the President has promulgated. It is out of necessity that this Bill has been brought here in the fourteenth year of the Republic of India.

China is the most civilised country as among the under-developed countries of the world as because of its adherence to Panchsheel, and its reiteration at the Bandung Conference, and then the visit of its dignitary to India not once but twice, and its prolonged talks and prolonged attempts at talks and at negotiated settlement but all of them only ending in an unprovoked war on the question of a boundary dispute. People are still wondering why China has waged a war on a frontier comprising of about 2500 miles. Still more surprising is the fact that it has all of a sudden or immediately ordered cease-fire. Now, we find from the papers that it has approached the Thailand Prime Minister and even the philosopher Bertrand Russell and others. I do not know why it is now so eager and wants mediation. In spite of all these facts, as I have stated, when China could not befriend India, I say that it would not be able to befriend any other countries whether communist or otherwise. That is because of its designs. I say that China today is the rust of communism; it is the self-born rust of communism. No one in this twentieth century could expect a war like this. Humble as we are, 'we soar, but never roam' and are always 'pondering to find out the kindred points of heaven and home'. If that is taken as an interpretation of our weaknesses, I think that China has made a wrong assessment of India.

As our President has said, the soul of India stirred up. It is a physical force against which we find that in a day the soul of India has stirred up and risen behind our leader to defend our country. There is ample proof of it. I do not want to enter into these details.

We are rather surprised here when we find criticisms from the other side. Much has been said by the Communists. What I have got to say is that they passed, I think, two resolu-

tions over this Chinese aggression. Why? Is it that one is for the party and the other is for the public? If today because of some guess-works, looking towards what is happening within the country, some such thing provokes some suspicion, or some suspicion has arisen in the minds of the people in regard to their words and actions, I think that there is no justification which the Communist Party of India can give in this matter.

The speech made by my hon. friend Shri Ranga could not impress me very much. It seemed as if his apprehensions were like those of Pakistan. Much has been said of misuse of the Defence of India Bill and the powers. I do not think that this is the proper time to go into it. Let my hon. friend keep quiet now, and let him wait and see whether power is misused or not. There might be misuse or there might not be. But when the proper time comes, let my hon. friends point them out, and I think Government would be in a position to look into the matter.

I welcome wholeheartedly the Bill which is before the House.

श्री ४० ल० बारूपाल : मैं इस प्रतिरक्षा विधेयक का समर्थन करने के लिए खड़ा हआ हूँ। वेश्वर चीन ने सीज फायर कर दिया है, युद्ध विराम कर दिया है फिर भी मैं समझता हूँ कि हम को किसी भी प्रकार से युद्ध प्रयासों में दिलाई नहीं करनी चाहिये।

दुर्घटन के बारे में जो हागारे पूर्वजों की राय है, उसको मैं आपको बताना चाहता हूँ। उनका कहना था कि दुर्घटन के दुर्घटन को हमें दोस्त दनाना चाहिये। हम नहीं चाहते हैं कि लड़ाई हो, हम नहीं चाहते हैं कि हमारी तरफ से लड़ाई की पहल हो, लेकिन जब दुर्घटन हमारे सिर पर चढ़ जाता है, तो हमारे मामने इसके अलावा कोई चारा नहीं रह जाता है कि हम उसका मुकाबला करें।

[श्री प० ल० बारूप ल]

उन्होंने युद्ध समाप्त किया है। इसके सम्बन्ध में मैं कहना चाहता हूं कि दुश्मन की कृपा बुरी होती है। कहा गया है:

दुश्मन की कृपा बुरी,
भली सज्जन की ताम
बादल कर गर्मी करे,
जद वर्सन की आस।

दुश्मन ने हम पर जो कृपा की है, उसको हमें कृपा नहीं मानना चाहिये वल्कि अपनी पूरी तैयारी रखनी चाहिये।

चीन के सम्बन्ध में मेरी स्पष्ट राय यह है:

चीन के मुमरन भाला हाथ कतरनी है खार में, उसकी आग बुझी है नाय दर्वी है राख में। अब वह चलता पीछे जाय बोल है मोर के चीनी दीखत का है सन्त लक्षण है चोर के ॥

जिस चीन को भारत ने अपनी गोद में ले कर दुनिया घुमाया है, जिस चीन को भारत ने यू० एन० ओ० में उसका उपयुक्त स्थान दिलाने का प्रयत्न किया है, वही चीन आज यह कहता है कि उसने नेहरू की नाक काट ली है। मैं खुले तौर पर कहना चाहता हूं कि चीन आखिर आस्तीन का सांप निकला है।

सांप केड़ा स्नेह, टगों की सी मित्राई,
वेश्या किसकी बहन और भूप किस का भाई ।

उपाध्यक्ष महोदय, जब पहले सीमा स्थिति के बारे में यहां पर प्रस्ताव उपस्थित दुआ था तब मुझे बोलने का मौका नहीं मिला था। लेकिन अब जब कि डिफेंस आफ इंडिया विल पर वहस चल रही है, मैं अपने कुछ विचार चीन के बारे में आपके सामने रखना चाहता हूं। मैं समझता हूं कि वही पुरानी कहावत चरितार्थ की है:-

नीच पर उपकार कोप हेतु नहीं शान्ति,
जो सर्पों पे पान केवल विष की धाति ।

जिस प्रकार सांप को दूध पिलाया गया तो उसने वही किया जो कि एक नीच पर उपकार किया जाता है। उसको दूध पिलाने से उसका जहर ही बढ़ा और कुछ नहीं हुआ।

कम्प्युनिस्ट भाइयों के सम्बन्ध में यह कहना चाहता हूं कि उनका वही हाल है जिस तरह से कहा जाता है कि फूके को मरता देख कर बुवा का मन मोत से फट गया। वे अब हमारा साथ देने लगे हैं। मैं कहना चाहता हूं कि इस विल के जरिये हम उन प्रतिक्रियावादी तत्वों के ऊपर, और देश के दुश्मनों के ऊपर, और विशेष कर उन के ऊपर जिन्होंने गत वर्ष हड़तालें कराई और जो हड़तालें करते रहते हैं या हड़तालों का समर्थन करते रहते हैं, कड़ी नजर रखें।

मैं समझता हूं कि लातों के भूत वातों से नहीं माना करते। दुनिया उनको ही मानती है जिन के बाजुओं में जोर होता है। एक पंजाबी कहावत है, जो मैं आपक सामने रखना चाहता हूं:

दुनिया मनदी जोरानूं,
धमकांदे हैं कमज़ोर नूं।
यह जीम दंदां विच रेंदी है,
वह हिल्दे दन्द नूं खांदी है ।

हमें चाहिये कि हम भी अपनी ताकत बढ़ायें। ऐसा होना भी चाहिये और इसमें कोई शक बाली बात नहीं। कमज़ोर की बात कोई नहीं सुनता है। राजनीति की यह मान्यता है:

गुण्डा गंडक गंवार,
पुच्कारियों वाये पड़े,
कुटिया देवे काम,
रीशा न कीजिये राजिया ।

जो गुण्डे हैं, उनका सिर कुचल दिया जाना चाहिये और ऐसा करने में हमें कोई

कसर उठा नहीं रखनो चाहिये । आज चीन कहता है कि नेहरू की नाक कट गई है । मैं और एक दूसरा ही उदाहरण आपके सामने रखना चाहता हूँ । एक चतुर पक्षी को किसी ने कहा कि मैं तुझे तलवार से मार दूँगा । पक्षी बोला, तुम मुझे तलवार से नहीं मार सकते । उसने तलवार का नाम ले कर नीर चलाया और उसकी हत्या कर दी । जब वह मरने लगा तो बोला :

वचन मरा वह नर मरा,
पक्षी मरा न जान
नाम लिया शमशीर का
खोचा तीर कमान ।

मैं चाऊँ को चेतावनी देना चाहता हूँ । मैं कहता हूँ कि वह इस भारत को किसी प्रकार भी कमज़ोर न समझे । यह न समझे कि भारत मरा हृद्रा देश है । मैं कहना चाहता हूँ :

चोत मरा चाउँ मरा
भारत मरा न जान
मित्रता की आड़ में
युद्ध छेड़ा शमशान ।

उसने हमारी पीठ में छुरा थोंपने की कोशिश की है । उसको समझ लेना चाहिये कि इस देश के निवासी उससे किसी बात में कम नहीं हैं । अगर कम हैं तो वे ईमानी में हम उससे डरने वाले नहीं हैं, पीठ दिखा कर भागने वाले नहीं हैं । हममें सामर्थ्य है कि चीन का मुकाबला कर सकें ।

जहां हमें चीन का मुकाबला करने को तैयार रहना है और अपनी ताकत को बढ़ाना है, वहां मैं एक और बात की तरफ आपका ध्यान दिलाना चाहता हूँ । दूसरे देशों के साथ हमारी जो सीमायें लगती हैं, उनकी तरफ भी हमें ध्यान देना होगा । राजस्थान के साथ साथ जो चौदह सी मील का बोर्डर लगता है, उसकी तरफ से भी आपको सनकं रहना होगा । साथ ही साथ इस संकटकालीन समय में हम

को सहकारी खेती पर ज्यादा जोर देना होगा और अपनी पैदावार को बढ़ाना होगा । ज्यादा से ज्यादा साधने हम को सहकारी खेती के लिए जुटान होंगे ।

इसके साथ ही साथ मैं यह भी कहना चाहता हूँ कि इस संकटकालीन स्थिति में आपको राजस्थान की उपेक्षा नहीं करनी चाहिये । वहां पर भी ऐसी रिश्ति पैदा हो सकती है कि बोर्डर पर आपको फौजें और तैनात करनी पड़ें । अगर वहां पर फौजें तैनात करनी पड़ीं तो आपको मातृत्व ही है कि वहां पर ३०० से ४५० फुट नीचे जमीन के पानी मिलता है और वह भी खारा । वहां पर अगर जवानों को जाना पड़े तो उनको पानी की बड़ी भारी दिकृत का सामना करना पड़ेगा, उनको पानी भी नहीं मिलेगा । इस वास्ते उम्म एरिया के अन्दर ज्यादा से ज्यादा पानी के टैंक जमीन आदि का प्रबन्ध किया जाना चाहिये ।

मैं यह भी कहना चाहता हूँ कि राजस्थान में, बीकानेर में एक विलेज नाल है और वहां पर नाल एयरोड्रोम है । अगर कल को इस एयरोड्रोम की आपको जहरत पड़ती है किसी काम के लिए, तो उसके लिए यह जहरी है कि आप आज ही उसको मज़बूत कर दें । इस वास्ते अब जो समय आपके पास है, उसमें आपको इस एयरोड्रोम को मज़बूत कर देना चाहिये । इस तरह की जो तैयारियाँ हैं, ये हमें पहले से ही कर लेनी चाहियें ।

मैं कुछ और सुझाव भी आपके द्वारा सरकार के सामने रखना चाहता था, लेकिन चूंकि समय नहीं है, इस वास्ते नहीं रख सकता हूँ । जो कुछ मैं ने निवेदन किया है, उस पर सरकार ध्यान देगी, ऐसा मेरा विश्वास है ।

इन शब्दों के साथ यह जो विशेषक यहां उपस्थित किया गया है, इसका मैं हार्दिक स्वागत और समर्थन करता हूँ ।

15 hrs.

Shri A. K. Sen: It is my duty while replying to the debate to convey the gratefulness of Government for the almost unanimous support which the House has given to this Bill. It is not merely support to a particular measure that is so important as the expression of the supreme determination of the nation as voiced through this body to mobilise the maximum efforts of the country and give the maximum powers to Government for that purpose, for, as I said, the one objective, that is, the defeat of the enemy.

I am extremely sorry that in this almost unanimous support and in this most harmonious welcome for this measure there was one rather discordant voice, and that was from Prof. Mukerjee. I do not mind any hon. Member giving expression to misgivings, but I certainly fail to appreciate it when rather excessive and intemperate language is chosen to characterise a measure which is warranted by the most difficult circumstances through which we are passing. I shall quote some of the most intemperate expressions indulged in by Prof. Mukerjee, for which I can only express my regret that he should have chosen this occasion to do so. He says, in the typical way in which he usually deals with a rather serious matter:

"The difficulty is that perhaps our Government still continues to inherit certain legacies of the British bureaucratic regime, and when it drafts a Bill of this description, it falls back upon the prototype which the British, in their condescension, has left to us. And here is a Bill which is almost exactly in the same terms as the Defence of India Act of the British regime used to be".

He says further:

"There is a persistent distrust of our people, as can only be matched by the bureaucratic attitude of pre-independence days and that is why I say that it is necessary for Parliament to be more careful."

Then again:

"In spite of that, we find things are being done and are sought to be done which go against the very grain of what is cherished, namely, the context of a democratic way of life".

Again he says that if one goes into the details of the provisions of the Bill, one finds that it is out of tune with the context of what he calls the 'democratic way of life'. Then he says:

"We find in this proposed legislation an absolute disregard of those rights which the people have come to expect as a matter of course. We live in a free country and we do not live in the kind of a country that India used to be under British rule".

Then he says that Government is doing this 'because of its lack of imagination, because of its having inherited bureaucratic legacies of the past'. Further, he goes on to refer to the arrest of some members of the Communist Party which took place on the previous day. I do not know if the occurrence of the arrests had made him rather part with a sense of control over his language.

Shri Nambiar: That was not what he said. He said that care must be taken. He did not oppose the Bill. He said that care must be taken so that the bureaucracy did not misuse it. He never cast any aspersion as the hon. Minister makes it out.

Shri A. K. Sen: I have therefore taken the liberty of quoting his words from the transcript.

Shri Harish Chandra Mathur: The revised attitude is right.

Shri Tyagi (Dehra Dun): He should go to Russia and other communist countries and find out what powers they are having.

Shri A. K. Sen: He has challenged the bona fides of Government. He has charged it with lack of imagination, riding roughshod over the rights of the people, behaving like bureaucrats and inheriting the legacies of the bureaucratic past. He says: "I want the Government to proceed to the task of national defence with all its vigour. The country will give the Government its tremendous enthusiasm. I do not want to see abuses taking place and abuses have already been suggested by the actions taken by the Government....." He means the arrests. It is my duty therefore to particularly answer these charges of Prof. Mukerjee and I took the trouble and the liberty of taking the time of this House in reading out extracts lest it may be said that what I say is not borne out by what was stated by Prof. Mukerjee. These are the charges which follow from the words employed by him, if I may summarise them: Government continues to inherit certain legacies of the British regime; the Bill shows a vivid disregard for the feelings of our people and a persistent distrust of our people; the Bill interferes with the democratic way of life and is not tuned to the democratic way of life.....".

Shri Tyagi: By 'our people', he means communists or all!

Shri A. K. Sen: Indian people. He says Government is lacking in imagination because it has inherited the bureaucratic legacies of the past. I do not think that in making arguments wisdom has always been the strong point with Prof. Mukerjee. I do not think that he has allowed either incisive logic or temperate language to underline his argument. I have always felt when he spoke that he thought that words can always take the place of reason and so he thought that words would carry the argument. But we are still in a country where words do not matter if they are devoid of substance.

Years ago, Prof. Mukerjee writing in *India Today* observed as follows—

I say this because he has charged us with distrusting the people, with inheriting the bureaucratic past and various other things. That was in 1951 and he was writing about Sun Yat-Sen and China—he said:

"Compared to the achievements of Dr. Sun Yat-Sen, those of Mr. Gandhi were nearly childish. Just as the pupil succeeds the teacher, so has Mr. Nehru taken the place of Mr. Gandhi, the same old policy of misleading the people and forging alliances with those forces which have sucked the blood of the Asiatics is still being pursued in public or in secret.... The revolution which remained incomplete in the time of Dr. Sun Yat-Sen is now being guided by a progressive leadership. That revolution is now being guided along the path of noble efforts to fulfilment."

He says further that in India we are being "led by the nose by people lacking in vision, understanding and courage but as China has become alive we need not be steeped in this quagmire for long." We are really being lifted out of the quagmire and his speech on the last occasion was so reminiscent of what he said in 1951 when he said that we were being led by the nose by people lacking in vision, understanding and courage. That is why he says that we have a distrust of the people and we are riding roughshod over them. I make bold to say that there could not have been a better testimony of the faith of the nation in the leadership of the Prime Minister than by giving these most extra ordinary powers through the consent of a freely elected Parliament. Powers have not been appropriated by force. It is no use saying that we are following the prototype of the British legislation. After all where there is a Parliament that pattern has to be followed. We approach Parliament with legislation to give powers we follow the principle where every power that the executive

[Shri A. K. Sen].

wields is borrowed from a law passed by a freely elected Parliament. That is the principle under which we live and for which we are fighting and we shall never have a Government which wields powers which are not granted by Parliament. That answers the criticism that we have borrowed the British prototype. What prototype shall we follow, then? (An Hon. Member: Chinese) I do not suppose there are other prototypes where there are opposition parties freely discussing measures introduced by Government asking for more powers to meet an emergency. Naturally the language employed is English as it will be for a long time and I do not think Prof. Mukerjee will have any grievance of it. It is no argument at all to characterise the Bill that it answers a British prototype. It may as well be said that the Left is the British prototype because it is only a historical accident that the Opposition in England is to sit on the left of the Speaker and that came to be known as the Left and the Government came to sit on the right. It may as well be said that his prototype is of the British institution. There are certain fixed norms and fixed forms which any Parliamentary Government have to follow, one of them being that nothing shall be done or warranted so far as the executive is concerned unless it is backed by a law passed by Parliament. Every time therefore this Government will ask for more powers it will come before this Parliament and whenever Government finds that the Parliament is unwilling to concede that power, that Government will go. That is the rule which we follow and I hope we shall continue to follow it unless our whole system is subverted by other agencies.

In his speech on the 8th of November he made a mention of the categorical imperatives of Kant. I fail to appreciate what relevance Kant had so far as the present situation is concerned, unless it was for the purpose of actually employing a language

which finds a place in Kant's works. He said, it was a categorical imperative to give complete support to the Prime Minister. One should have imagined that any simpler language would have been quite enough to convey the same idea and Kant was not necessary to support such a very obvious proposition. But I fail to see how a reiteration of Kant's categorical imperative really improves the position at all.

Then, he puts forward a most extraordinary argument. He mentions about the arrests and the resolution which has been passed. He says:

"Nobody who considers himself to be a true member of the communist movement could ignore that resolution; he must translate that resolution into effect."

A resolution which is only the least that is expected of any Indian, namely, a determination to fight the invader, is it to be buttressed by an appeal to the communist movement that anybody who considers himself to be a part of the communist movement must support the resolution, as if one who does not consider himself to be a part of the communist movement should not support that or that the appeal to that resolution must be from being a part of the communist movement and not from being a part of the greater nation? I should imagine that the better appeal should be the appeal of our being members of a great nation and all of us must follow the imperative of safeguarding the liberties of the people and the freedom of the nation. In any event, I do not grudge if that resolution is really translated into effect, whatever may be the appeal which may be insisted upon.

But what has pained me is the charge that all these arrests have been made, all these measures have been passed, only for the purpose of injuring the communist party as such.

*He says that the resolution it has passed is an end of the matter. I think it is necessary to tell the House, if the House does not know it already, that notwithstanding that resolution there are members in West Bengal and other places who were doing everything possible to see that that resolution was not carried into effect.

Some Hon. Members: Shame!

Shri Tyagi: Was that resolution passed after the ordinance was issued or before that?

Shri A. K. Sen: After the ordinance was issued.

Shri Tyagi: Then we can understand it.

Shri A. K. Sen: Only the other day, in the West Bengal Assembly, a similar resolution was moved and at the time of voting, the Chief Minister appealed that all the Members should stand and pass it unanimously. It is said that one of the Members, who was unfortunately one of the very ones arrested later on, walked out of the Assembly rather than remain and vote unanimously along with the other Members.

Some Hon. Members: Shame!

Shri A. K. Sen: There were others who openly expressed their sympathy for the Chinese point of view and who were trying to move public opinion in favour of the Chinese invaders. It is unnecessary to name them. This Government still has sources available to it whereby it keeps itself informed as any other Government. No Government can possibly function unless it keeps itself informed about currents and cross-currents in the country. Who can shut one's eyes to the fact that there were large groups of people who were openly, and what is most important secretly, carrying on systematic activity designed to support the invaders and designed to subvert the great defence which we have all

been trying to build up? Morale is a great thing. The psychological determination is a greater thing. But apart from the psychological impact which such groups might cause, there were other more positive overt activities which had to be curbed.

Shri Narendra Singh Mahida (Anand): May I seek a clarification? If the Government thinks there are such people, why not ban them? Why have them on the defence committees?

Shri A. K. Sen: I am talking of individuals. The Prime Minister has already said that this is not intended or directed against any party. This is directed against individuals and groups who were found, from reliable information available to Government, to have been completely opposed to our national effort and who have been more in sympathy with our enemies. It would be absolutely unworthy of any Government if in times of such crises, the Government did not act, but allowed such activities to continue.

Shri Harish Chandra Mathur: You have allowed too much.

Shri A. K. Sen: Who can possibly make this bold assertion that just because that resolution was passed, all overt activities have stopped?

Shri Bishanchander Seth: Magic!

Shri A. K. Sen: Resolutions do not create an atmosphere, do not wipe out the legacies of years and years of indoctrination and a particular faith and dedication to a particular line of action and thought. This is absolutely a simple proposition that a resolution does not do all that. If it did, we would not have been in this difficulty.

I certainly have great admiration for these members of the communist party who have been bold enough to declare their unanimity with the rest of the country, who have fallen in line with us and have taken the line, which is the only line possible for India. But I do not think even they would

[Shri A. K. Sen]

claim that they have carried all the members of their party with them. It is, therefore, impossible for the Government to say that it will refrain from exercising the powers of preventive detention. Government will have the painful necessity of resorting to it whenever occasion demands and it has always been unpleasant and painful for a Government like ours, depending as it does on the free will of the people, to have to resort to the expediency of preventive detention. But as I said, unfortunately, whether in peace time or more so in times of emergency like this, such powers become necessary to be used as and when occasion demands.

The only thing that is necessary is to see, as the Bill itself provides, that in exercising these great powers, utmost caution is exercised. I have no doubt and I can assure the House that in every case, utmost caution and scrutiny are exercised before the powers which are granted under the rules and under the Bill would be exercised. Hon. Members will see clause 44 which says:

"Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and interest and the defence of India and civil defence."

So, this is specifically mentioned in the Bill itself that any person or authority exercising the powers given under this Bill would exercise the utmost restraint and exercise only such powers and authority as are absolutely necessary for the purposes mentioned in the Bill.

As I said in the beginning, the question is not one of powers. Powers, there must be, to meet this emergency and to mobilise the entire resources of the nation in men, material and every other way. The question is that

those powers are used for the purposes drawn. Any officer or authority who would be using those powers for a collateral purpose would not only be open to disciplinary punishment, but such action would also be open to review by courts because any action done for a collateral purpose, namely, for a purpose not of the defence of India but for some private reason or other reasons, if proved, would be open to court's interference. I have no doubt that the governments of the States and the Centre would also punish those who would misuse any authority with which he is empowered.

The next question is the question of special tribunals and appeals therefrom. I appreciate—particularly, Shri Daji had spoken to me and even the Deputy Speaker and other Members of our party had also mentioned it to me—that there should be a right of revision, of appeals in cases of manifest errors of law and questions of lack of jurisdiction or excess of jurisdiction by these tribunals. We have given appeals in all matters in which there would be a sentence exceeding five years. In other cases we have not given appeals or the right of revision for the simple reason that, first of all, the very provision regarding special tribunals would not be brought into force unless it is absolutely necessary. Hon. Members will see that that provision would not be brought into force immediately. We do not intend to bring any special tribunals unless the situation in any particular part of the country is such that it is absolutely impossible to function through the ordinary courts and that speedy disposal of justice requires that there must be special tribunals. If that is the circumstances under which special tribunals would start functioning, then it would rather frustrate that purpose if in every case there is a revision application pending in High Courts taking months and months. I have given that matter a good deal of thought, and I personally

feel that there are two remedies open even if there is no revision granted. I can assure the House that if at all in future—let us hope that these special tribunals would not be brought into force, the conditions would not deteriorate so much in any part of the country that special tribunals would have to be set up—a situation does arise that special tribunals have to be set up, if there are any cases of manifest errors or manifest cases of injustice brought to the notice of the Government, not only executive dispensation would be available but we would see then what other expeditious remedies we might devise for the purpose of correcting those errors. As it is, we have taken the precaution of setting up a tribunal of three members, not of one. Under the Defence of India Act there used to be only one judge. We have deliberately put three judges so that there is not that chance of errors or, if I may say so, erroneous verdict which would normally happen if there was only one judge. We have put three judges and it will be the verdict of the majority which would be the verdict of the special tribunal. For severe cases we have provided for appeal. If for every minor case we provide for a revision—as you know for every application a rule will be issued and the matter kept pending—the very purpose will be frustrated. For speedy justice, speedy enforcement of our national measures, our emergency measures we set up these tribunals because it becomes absolutely necessary and ordinary courts become out of place. That being so, it will be rather frustrating that very purpose if we allow an interference by high court in every case. But as I said, there are two remedies open. Firstly, there is executive dispensation. Secondly, in extreme cases leave to appeal can be granted under article 136 of the Constitution by the Supreme Court. That jurisdiction of the Supreme Court will always remain, so that if there are really cases where there are manifest errors of law or exercise of jurisdiction, I have no doubt that the Supreme Court will

give leave for appeal. In any case, as I said, if cases happen like that in fairly large numbers Government will certainly then think about the matter and see that no injustice is done in the functioning of these special tribunals.

Shri Nambiar: What about providing advisory boards for those detenus? When advisory boards are allowed under the Preventive Detention Act, what is the difficulty here?

Shri A. K. Sen: That is for peace time. Let the hon. Member not forget that the enemy was very near our plains. They had come over 150 miles inside our territory and were almost on the Brahmaputra. In such a case, to say that all anti-social persons should be taken to advisory boards is ignoring the reality. It is impossible to function with advisory boards in times of war, in times of emergency. When peace returns Government will again fall back to the normal machinery of advisory boards. Hon. Members themselves would realise how impossible it would be in times of emergency, when the enemy is knocking at the door, to have advisory boards. The district magistrates, the authorities concerned have to act on the spot, arrest persons sabotaging or carrying on propaganda undermining the morale of the people. So many things happen. We did give this matter a great deal of thought. It is impossible to apply peace time measures for meeting war time conditions.

Is there anything else that I may be able to clarify?

Mr. Speaker: That can be done when the clauses are taken up.

Shri S. M. Banerjee: There are so many amendments that have been tabled. I would like to know from the hon. Minister—later on he may reply to the debate on the clauses—whether he is willing to accept any of those amendments?

Shri A. K. Sen: No. We have tabled amendments on behalf of the Government.

Mr. Speaker: He is talking of the others.

Shri A. K. Sen: Those amendments have been tabled after consulting the Informal Consultative Committee.

Shri Daji: Many things which were accepted and conceded in the Informal Consultative Committee, I am sorry to say, have not found a place here.

Shri A. K. Sen: I was not present in the Committee. Shri Datar will be able to deal with them better.

Shri Datar: A number of them have been accepted.

Shri Narasimha Reddy (Rajampet): Under clause 14 the Government has taken power to transfer.....

Mr. Speaker: That will come when we take up clause by clause.

Shri Narasimha Reddy: Because the hon. Minister asked us for further points for clarification, I wanted to put this question.

Mr. Speaker: That can be put when we come to that clause: I shall now put the motion to the vote of the House.

Mr. Speaker: The question is:

"That the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith be taken into consideration."

The motion was adopted.

Mr. Speaker: The House will now take up the Bill clause by clause.

Clause 2— (Definitions)

Mr. Speaker: Are there any amendments to Clause 2?

Shri Datar: I beg to move:

(i) Page 3, lines 6 to 8,—

omit "or administered by, or for the time being in the occupation of," (101).

(ii) Page 3,—

after line 15. insert—

"(ee) "occupied territory" means any territory of India which is for the time being in the occupation of a country referred to in sub-clause (i) or a country referred to in sub-clause (iii) of clause (c) of this section;" (102)

Shri Hari Vishnu Kamath: Sir, I beg to move:

Page 2, line 35,—

for "country" substitute "State" (137).

Mr. Speaker: I would request one thing here. Because we have had so long a discussion so far as the consideration was concerned, Members would now at this stage only make out their points and they would not repeat the whole arguments because most of what they wanted to say has already been said.

Shri Hari Vishnu Kamath: My amendment says that for the word "country" in the definition of "enemy" the word "State" may be substituted. Sir, the basis of the amendment goes back to the Defence of India Act of 1939 of which I have a copy with me here. There it was defined as "person or State at war with India etc. etc.". Apart from that, I think it is more appropriate to substitute the word "country" by "State" because, as the Prime Minister himself has stated in this House the other day in his reply

to the debate, the Government and not the people should be looked upon as being at war with another country. We have no quarrel with the people of China; it is the Government of China which has declared war, or which is conducting, or carrying on war against our country. So, in the fitness of things, I think we should use the word "State" and not "country".

Mr. Speaker: Does Government want to say anything on this amendment?

Shri Datar: So far as the word "country" is concerned, it is a word which is generally accepted. So far as the word "State" is concerned, it has got certain legal significance. So, the better word would be "country", and that is the reason why we have used that word.

Shri S. M. Banerjee: What are the reasons?

Shri Hari Vishnu Kamath: Could it not be explained further?

Shri Datar: So far as the Government amendments are concerned....

Mr. Speaker: The hon. Member wants a clarification of the legal implications of using the word "State".

Shri Datar: Here the word "country" has been used in its general and popular sense. We have used the term "any person or country". If we use the word "State", it is likely to limit its application.

Mr. Speaker: What about Government amendments?

Shri Datar: So far as the Government amendments are concerned, they mainly deal with the definition of "enemy territory". The words that we have used were rather equivocal. The portion of our country which is now in possession of China ought not to be called "enemy territory". It has now been called "occupied territory".

Mr. Speaker: The question is:

Page 3, lines 6 to 8,—

omit "or administered by, or for the time being in the occupation of," (101).

Page 3,—

after line 15, insert—

"(ee) "occupied territory" means any territory of India which is for the time being in the occupation of a country referred to in sub-clause (i) or a country referred to in sub-clause (iii), of clause (c) of this section;" (102)

The motion was adopted.

Mr. Speaker: Have I to put the amendment of Shri Kamath to the vote?

Shri Hari Vishnu Kamath: Yes.

Mr. Speaker: The question is:

Page 2, line 35,—

for "country" substitute "State" (137)

The motion was negative.

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2 as amended, was added to the Bill.

Clause 3—(Power to make rules).

Shri Hari Vishnu Kamath: It is the most important clause.

Mr. Speaker: So, I would request them to move one after another. After what the Law Minister has stated, probably the number of amendments that are to be moved should be limited, and not so large as it is.

Shri Hari Vishnu Kamath: We are still hoping to persuade him.

Shri Nambiar: My amendment No. is 69.

Shri Hari Vishnu Kamath: Mine are 138, 139, 140....

Shri Datar: So far as clause 3 is concerned, it has got many sub-clauses. So, will it not be better if we proceed in terms of sub-clauses?

Mr. Speaker: That would be more convenient, I suppose.

Any amendment to sub-clause (1) of clause (3)?

Shri Datar: Yes, amendment No. 12.

Mr. Speaker: I find that is not being moved. In the same way, I find that amendment No. 39 to sub-clause (2) is also not being moved. Then we have to take up sub-clause (3).

Shri Datar: We are accepting Amendment No. 138 by Shri Kamath, as it is a formal one. Then I will move Government Amendment No. 103.

Page 4, line 20,—

after "enemy territory", insert—
"or occupied territory". (103)

Government are accepting No. 41.

I beg to move:

Page 4, line 24,—

omit "false". (104).

Shri Hari Vishnu Kamath: I beg to move:

Page 4, line 24,—

after "purpose" insert "," (139)

Shri Datar: I beg to move:

Page 4, for lines 31 to 39, substitute—

"(7) (a) prohibiting the printing or publishing of any newspaper, news-sheet, book or other document containing matters prejudicial to the defence of India and civil defence, the public safety, the maintenance of public

order, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community;

(b) demanding security from any press used for the purpose of printing or publishing, and forfeiting the copies of, any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (a);

(c) forfeiture of such security and the circumstances in which and the authority by whom such forfeiture may be ordered;

(d) closing down any press or any premises used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (a) in spite of the forfeiture of such security." (105)

Shri Hari Vishnu Kamath: I beg to move:

(i) Page 4, line 7,—

after "entering" insert "," (138)

(ii) That in the amendment proposed by Shri B. N. Datar, printed as No. 105 in List No. 5 of Amendments,

in the proposed clause 7(a), after "document" insert "the making of any picture, photograph, or cinematograph film" (140)

Shri Datar: We are prepared to accept amendment No. 43.

Mr. Speaker: But that has not been moved.

Shri Nambiar: I will move it.

Mr. Speaker: Since it has not been moved by the Member concerned, Government should move it themselves.

Shri Datar: I beg to move:

(i) Page 6, line 11,—

for "as the case may be", substitute

"(the authority empowered to detain not being lower in rank than that of a District Magistrate)" (106)

(ii) Page 6, line 24,—

omit "and" (107)

(iii) Page 6, after line 26, insert—

"(iv) the review of orders of detention passed in pursuance of any rule made under sub-clause (i)." (108)

Government are accepting No. 49 also.

Shri Nambiar: I beg to move:

Page 6, after line 22, insert—

"Provided that the grounds for detention together with representations of the persons so detained shall be reviewed by a Board as is provided under the Preventive Detention Act, 1950." (69)

Shri Daji (Indore): Sir, I beg to move:

Page 6,—

after line 26, add—

"Provided that a person against whom action is taken under clause 15, shall be given a reasonable opportunity to represent against the orders passed. Such a representation shall be placed before an Advisory Board consisting of a High Court Judge and two other members qualified to be appointed as a Judge of the High Court under clause 2 of article 217 of the Constitution. The action taken shall be subject to the opinion of the Advisory Board." (46)

Shri Hari Vishnu Kamath: Sir, I beg to move:—

Page 6,—

after line 26, insert—

"Provided that every person against whom action is taken under this clause shall be served with the grounds for such action, as soon as may be after such action is taken.

Provided further that every such person shall be permitted to make a representation in respect of the aforesaid grounds, and against such action, to an Advisory Board consisting of a High Court Judge, whose advice shall normally be acted upon by Government." (141)

Shri Datar: Sir, I beg to move:

Page 7,—

after line 16, insert—

"(24A) the taking over by the Central Government or the State Government, for a limited period, of the management of any property (including any undertaking) relating to supplies and services essential to the life of the community;" (109)

Shri Kashi Ram Gupta (Alwar): Sir, I beg to move:

Page 7,—

for lines 17 to 20, substitute—

"(25) the control of agricultural produce markets, supply of foodgrains, and other essential agricultural products;" (18)

Shri Narasimha Reddy: Sir, I beg to move:

(i) Page 7, line 17,—

for "control" substitute "intensification" (1)

[Shri Narasimha Reddy].

(ii) Page 7, lines 17 and 18,—

omit “(including the cultivation of agricultural land and crops to be raised therein)” (2)

(iii) Page 7,—

after line 20, insert—

“Provided that this shall not empower the Government to introduce co-operative farming in a compulsory manner.” (3)

Shri Datar: Sir, I beg to move:

Page 7,—

omit lines 35 and 36. (110)

Shri Kashi Ram Gupta: Sir, I beg to move:—

Page 8, line 9,—

omit “bank notes, currency notes, securities”. (23)

Shri Datar: Sir, I beg to move:

Page 8,—

after line 16, insert—

“(35A) the prevention of any corrupt practice or abuse of authority or other *mala fide* action in relation to the production, storage, purchase, sale, supply or transport of goods for any purpose connected with the defence of India and civil defence, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community;

(35B) the prevention of hoarding, blackmarketing, or adulteration of, or any other unfair practices in relation to, any goods procured by or supplied to the Government or notified by or under the rules as essential to the life of the community;” (111)

Shri Hari Vishnu Kamath: Sir, I beg to move:—

(i) That in the amendment proposed by Shri B. N. Datar, printed as No. 111 in List No. 5 of Amendments,—

in the proposed new clause (35B) after “hoarding” insert “profliteering”. (142)

(ii) That in the amendment proposed by Shri B. N. Datar, printed as No. 111 in List No. 5 of Amendments,—

in the proposed new clause (35B), after “any goods” insert “including foodstuffs and drugs”. (143)

Shri Kashi Ram Gupta: Sir, I beg to move:—

Page 8,—

omit lines 36 and 37. (25).

Shri Prakash Vir Shastri: Sir, I beg to move:

Page 9,—

after line 32, insert—

“including military training or practice in the use of fire arms.” (70)

Shri Daji: Sir, I beg to move:

Page 10,—

after line 8, add—

“Provided that before such an eviction, reasonable notice shall be given to the occupants thereof for vacating the premises.” (55)

Shri Kashi Ram Gupta: Sir, I beg to move:—

Page 10,—

after line 8, add—

“(56) taking of necessary steps to root out corruption.” (26)

Shri S. M. Banerjee: Sir, I beg to move:—

Page 10,—

after line 8, add—

"(56) taking of effective steps to root out corruption." (27)

Shri Prakash Vir Shastri: Sir, I beg to move:—

Page 10,—

after line 11, insert—

"(ia) provide for the arrest without trial of person belonging to or known or suspected to be belonging to the class as declared in clause (4)(a) of sub-section (2)." (71)

Shri H. C. S. Soy: Sir, I beg to move:

Page 10,—

after line 17, add—

"Provided that profiteering in the supply or sale of foodgrains and other goods and services essential to the life of the community shall be punishable with rigorous imprisonment upto seven years besides fine or both." (29)

Shri S. M. Banerjee: Sir, I beg to move:—

Page 11,—

after line 10, add—

"provided there is a concrete evidence with the officer or officers concerned for taking action under this sub-section. Such evidence shall be made available to the party under prosecution for consultation, if so desired." (31)

Mr. Speaker: All these amendments are now before the House.

Shri S. N. Chaturvedi (Firozabad): Sir, I gave notice of an amendment this morning. I do not know whether it has been accepted or not.

Mr. Speaker: I am not going to accept those that were given this morning.

Shri Kamath: He should be as brief as possible.

Shri Hari Vishnu Kamath: Sir, considering the importance of the clause and the time at our disposal, I shall tailor my observations to the time at my disposal accordingly.

The first two amendments standing in my name, that is, Nos. 138 and 139 are purely punctuation amendments and I leave them to the hon. Minister and his draftsman. I think, he should have no objection to inserting the comma which I suggest because it will make the meaning of the clause clearer.

I shall come now to amendments Nos. 140, 141, 142 and 143. I shall take up, by your leave, amendment No. 140 last because that is the most important of the four amendments that I have suggested. By amendment No. 141 I wish to include in this sub-clause.....

Shri Datar: May I point out to Shri Kamath that we are accepting amendment No. 142 about profiteering.

Shri Hari Vishnu Kamath: I am glad that the Government has become awake to this danger of profiteering. I am happy that my hon. friend, the Minister, is determined to root out profiteering. Therefore, I shall leave it at that; I will not speak on that as they are accepting it.

The first of the other amendments is with regard to the making of any picture, photograph or cinematograph film.

Shri Datar: It is covered by something else.

Shri Hari Vishnu Kamath: It is not covered specifically. Perhaps the Government want to bring it under the Rules. But being an important matter it should find a place here. In a modern State, as is well known, the press, the radio and the cinema are the

[**Shri Hari Vishnu Kamath**].

three great mass media of communication. There is the reference to the press in this sub-clause of clause 3 but there is no reference as such, express or explicit, for making of films, photographs and pictures. I want to strengthen the hands of the Government in this matter. It is not that I want to weaken their hands but I want to strengthen their hands further.

Mr. Speaker: Government also feels inclined to cover them. The only reaction that came was that it was covered.

Shri Hari Vishnu Kamath: I do not know if it is covered. I will be happy if he points out where it is covered and by which particular provision.

I would only, in passing, make a reference to the provision in this clause with regard to the control over the press and the provision with regard to the press. These measures are taken by all Governments in war-time in all countries but I hope that the Government will use them with great circumspection. that is, these powers with regard to the press, because what is needed in war-time, more so than in peace-time, is a good press, a strong press and a press which keeps the people well informed about war measures and the needs of the war situation. The Government, therefore, will do well to exercise this power with great caution. But, at the same time, the Government must be on its guard against some journals and periodicals which carry on propaganda insidiously, may not be openly. I hope the Government will keep an eye on those journals which, in spite of the war emergency and Defence of India Ordinance, are still indulging in some writings which are, to my mind, objectionable.

There is a well known weekly magazine—I won't mention the name—to which the Minister for Oil and

Fuel was good enough to give a little contribution some time ago—the matter came up here. The other day, in the latest issue.

Shri Tyagi: He never gave any contribution.

Shri Hari Vishnu Kamath: The public undertaking; Oil India Ltd.

Shri Tyagi: No.

Shri Hari Vishnu Kamath: Not contribution; assisted.

Shri Tyagi: It was advance rent paid.

Shri Hari Vishnu Kamath: It was assisted. This magazine, after the former Defence Minister's resignation, wrote an article which is rather insidious in its effect. The article compared the ex-Defence Minister Shri Menon to Jesus Christ,—in the inset, the reference was to Jesus and apparently, the Prime Minister to Pilate, and the rest of the Congress party and all other parties to the Jewish rabble who demanded that Christ be crucified.

Shri S. M. Banerjee: Who was Judas?

Shri Hari Vishnu Kamath: It was not mentioned.

The head and front of this offence under the Defence of India Rules must be obvious to the Government. He was compelled to resign and the Prime Minister bowed to public, democratic pressure and he went out. The Prime Minister accepted his resignation. After that, to make this sort of comparison, it compared him to Jesus Chris and the Prime Minister to Pilate who said, I wish off my hands of the blood of the innocent man, insinuating that the Defence Minister was innocent and the Prime Minister had only succumbed to the rabble. Just as the Jewish rabble

demanded the head of Christ, the rabble demanded the head of the Defence Minister! That is the implication of the article.

A similar article was published by a Bombay weekly about 3 weeks ago. I do not want to mention names here. It published an article finding fault with our Generals and the jawans, brave jawans who have shed their blood and become martyrs for the motherland and exonerating completely the Defence Minister who, it says, has served the country well. It is only the jawans and Generals who have betrayed the country. This sort of thing, apart from the objectionableness of the matter, is likely to spread panic among the people. *Suo moto, per se*, the Minister should have taken action against that. A demand was voiced in a big public meeting, the biggest I have seen on Chaupaty in recent times, over which the present Defence Minister presided, and all parties urged that such a paper should be proceeded against immediately before it does further harm to the country. I, therefore ask the Government that when they take action under this measure, they should keep an eye on these journals and periodicals which carry on propaganda insidiously against the Government and against the war effort, and weaken the morale of the people. That is more important than some other action they might take.

I would make a brief reference to the Radio here, which in India is a monopoly of the Government. There is no need to bring in any particular provision with regard to the Radio because, in India, it is a monopoly unlike in England and America. I have heard on reliable authority that Peking Radio broadcasts in Hindi at stated hours virulent anti-Indian propaganda. The All India Radio has not made any arrangement to jam these broadcasts. It is high time that the All India Radio woke up to this menace and did something to jam these dangerous, these menacing broadcasts from Peking. While I am

on that subject I might mention that it would appear that there is a person with a delightful voice who reads all the anti-Indian broadcasts from Peking Radio and that person is a young Indian woman. If that is so, the Government must try to find out from their Embassy—they have still got an Embassy there—who this young Indian woman is. It appears that the jawans at the front who listened accidentally to these Peking broadcasts, have described that Indian as the "yellow peril", because she puts it so nicely. Therefore it is all the more necessary that the Government should do something to counteract the propaganda and jam the broadcasts if they cannot do anything else. If they cannot stop our Indian national there in Peking from participating in anti-national propaganda and being a stooge of the enemy, at least they must jam these Peking broadcasts.

Lastly, I will come to my amendment which I consider as most important, amendment No. 141. They have accepted amendment No. 142. That is all right. Amendment No. 143 they should accept, I do not know why they are not accepting.

Mr. Speaker: He will tell in his turn why he does not accept.

16 hrs.

Shri Hari Vishnu Kamath: I sought to make it more comprehensive. I sought to include foodstuffs and drugs. Foodstuffs and drugs are important, more important in war time than in peace time. They should accept it unless there is some valid reason against it. I do not want to press that matter further. I will now come to amendment No. 141. This sub-clause seeks to empower the Government with very wide powers to apprehend, arrest and detain for various suspected crimes, for prejudicial activity. Here, if this is adopted, —I have no doubt, it will be adopted—the Government will become almost

[Shri Hari Vishnu Kamath].

omnipotent. As has been well said by Dicey in his book on Constitutional law, it will be almost like what is said of British Parliament that it can make anything except making a man a woman and a woman a man. If this Defence of India Bill is passed, in war time, the Government will be able to do anything perhaps excepting that. Therefore, it is wholly necessary as has been well urged by my hon. colleagues here in the course of their speeches that this power should be exercised with the greatest circumspection and restraint. Therefore, I have moved the amendment. Look at the wording of the sub-clause, how wide and comprehensive this clause is. Anything is liable to action, practically anything that you might do or might not do, because public safety, public interest and public order, all these things are there. There are several other things. Public safety, public interest and public order—all the three are there. Anything can be covered by any one of these.

Apart from so many other things which this clause contains, there is a dangerous tendency which the Government will do well to curb, a tendency among a section of the party which has made the Government, the party to which the Treasury benches belong, a very dangerous tendency to make even criticism an anti-war, pre-judicial activity. The circular which has gone forth from the office of the ruling party here is a notorious circular. I hope it has been withdrawn already. If it has not been withdrawn, I hope the Government will take the first opportunity to withdraw the circular and take to task the person, the over-zealous, over-enthusiastic person in their party ranks who was responsible for issuing that circular.

Shri Tyagi: Which circular?

Shri Hari Vishnu Kamath: I have got a copy of that.

Mr. Speaker: It has already been referred to in this House.

Shri Hari Vishnu Kamath: I will not refer to it again. If that trend—it is only a trend today—is not curbed, I am afraid that trend may prevail in the ruling party and criticism of the Prime Minister will be regarded as a dangerous anti-national activity. Certainly, we have given our co-operation to the Prime Minister. All parties have given their co-operation, have promised their co-operation and are giving it in full measure. But it is not an unconditional co-operation; it is not hundred per cent co-operation, for, after all, he is not infallible. . . .

Shri C. K. Bhattacharyya (Raiganj): That circular issued by the Congress executive applies only to Congressmen. How is my hon. friend Shri Kamath affected by it? It does not apply to him at all.

If I might read out that circular. . .

Mr. Speaker: He need not read it out now.

Shri Hari Vishnu Kamath: I think that my hon. friend Shri C. K. Bhattacharyya has not read it very carefully.

Shri Harish Chandra Mathur: We have not read it at all because it has not come.

Shri Hari Vishnu Kamath: I have got a copy of it today by post. So, I do not know how hon. friend says he has not read it.

Shri Tyagi: It is an internal matter. A particular member of the party writes a circular to his party members. That is all. It is not a Congress policy or anything of that sort.

Shri Hari Vishnu Kamath: The Government belong to that party which has issued this circular. Therefore, the possibility cannot be ruled out. The Government belong to that party, and a member of that party or an office-bearer of that party has issued

a circular dubbing those as traitors who dare to criticise the Prime Minister.

The Prime Minister has got great qualities of head and heart which we have all admired all these years. But, unfortunately, he has also had a weakness, and that is bad judgment of men and events. Right from the days of Sheikh Abdullah to Shri Krishna Menon, it has been a long record of wrong judgment. But he has got other qualities which we admire.

Shri Tyagi: That comes under the Defence of India Rules.

Shri Hari Vishnu Kamath: Other fine qualities he has got, and we admire them, and that is why we have pledged our support to him. But, after all, he is not infallible, and, therefore, whenever he makes a mistake, it is our duty....

Mr. Speaker: The hon. Member is travelling from Kashmir to Kerala.

Shri Hari Vishnu Kamath: We are all in Delhi now. Am I not really and fully integrated, because I have travelled right from Kashmir to Kerala, or right from Kashmir to Kanya Kumari? And that is real India.

Mr. Speaker: The hon. Member has gone the whole distance.

Shri Hari Vishnu Kamath: I have learnt this about integration and national unity, at your feet, if I may say so.

Mr. Speaker: I do not deserve so much.

Shri Hari Vishnu Kamath: Therefore, we deem it our duty in the public interest and in the national interest to criticise the Prime Minister if he does in fact make a mistake in the conduct of the war. It is not that we are deliberately at it, or we

want to do it maliciously. I am glad that in this matter all my colleagues in the Congress Party also, or at least some of them, have taken courage in both hands, and in the matter of the removal of the former Defence Minister they did play a very important role. I hope that in spite of that circular that has been issued, and in spite of the recent threats issued by their party office, those Members of the Congress party or the ruling party will continue to play an important role in the coming years, because the Government must be put on its mettle, and Government must be put under control even in wartime.

Shri Tyagi: Since my hon. friend has referred to our party, may I say this?

Shri Hari Vishnu Kamath: I have not mentioned any names.

Shri Tyagi: I might tell him and also you, Sir, and the House that our party is absolutely free to discuss. We love our leader, and we have absolute faith in him, and therefore, we also discuss with him. What is there after all? It is a question of expressing our views freely; it is not a question of expressing any want of confidence or anything of that sort; we are free to argue with him.

Shri Hari Vishnu Kamath: My hon. friend has reinforced my argument.

Mr. Speaker: Since his argument has been reinforced, the hon. Member may now move on to the next point.

Shri Hari Vishnu Kamath: I am glad that my hon. friend has helped me to move on, and so have you, Sir.

My next amendment is in regard to persons who are detained without trial. Government should ensure that the grounds of detention are served to the detenus, as soon as may be, after they are arrested and detained. The detenu must be given a chance or an opportunity of making a representation to a tribunal or an advisory board

[Shri Hari Vishnu Kamath].

or advisory body consisting of a High Court judge, a single-member advisory body or board, and the opinion of the High Court Judge should be normally accepted by Government.

May I add in support of this amendment that I have moved that during the Second World War,—Most of my colleagues here were in detention during the period; at any rate, I shall narrate my own personal experience because I do not know what happened to others; but I presume a similar thing must have happened to others as well—every six months the detention order was renewed, and formally, every six months, the grounds were also served. The grounds of detention were served upon us, and we were asked whether we wanted to make any representation. I do not know to whom the thing was forwarded. The order used to come finally that that representation had been rejected by Government.

I would, therefore, urge in the interests of peace, and in the interests of fairplay and in the interests of parliamentary democracy, that this should be done now too. The other day, the Prime Minister rightly said that it was necessary in war-time, and it was more so in war-time that parliamentary institutions should flourish and prosper and must be strengthened. Therefore, we must see to it that when we execute the law or implement the law, parliamentary institutions and parliamentary traditions do not go under and authoritarianism does not come up to the surface.

I would therefore plead with Government and with my hon. colleagues on both sides of the House that they accept my amendment so as to ensure that even in the matter of persons detained without trial, they will have a sense of having been treated fairly and justly in so far as the circumstances of war permit Government to do so. The amendment I have suggested is, in my judgment, only

step in that right direction. I hope Government and the House will accept it.

✓ **Shri Nambari:** My amendment is No. 69 which more or less constitutes the same amendment to clause 3(15) which Shri Kamath has just now explained. My amendment says:

"Provided that the grounds for detention together with representations of the persons so detained shall be reviewed by a Board as is provided under the Preventive Detention Act, 1950".

I heard the speech of the Law Minister who said that under normal conditions we could allow those advisory boards, appeals and review, but under emergency conditions we could not do that. I submit even under an emergency when you have detained persons in large numbers in various districts and detention orders are being issued by the officers concerned on certain complaints or certain suspicion, there must be something on record to show that a particular person is to be detained on that particular suspicion or complaint. That can be put in the form of a report and whatever representation that particular individual has to submit may be taken together and somebody above the person who issued the order could review the case. This is a routine work which can be done even in emergencies.

I will cite a concrete case of misuse of powers. The officers have already started doing it. Here is a telegram, a copy of which has been addressed to you, from an hon. Member of this House, Shri Umanath from jail. He wires:

"Self remanded preventive custody Tiruchirapalli Central Jail. Pray cause production before you to enable me participate Lok Sabha proceedings till December 11th".

This hon. Member was here along with all of us who stood up at your request in support of the Resolution on Chinese aggression. He took part in the debate here and had gone back to his house and was about to come back here again. He was suddenly detained. What justification can there be for it? Was he acting against the defence of India? What act has been committed by him to justify this detention except the fact that he is a member of the Communist Party, he has a long record as a trade union leader and, that he had been detained previously? But that does not mean that he is acting against the defence of India. Today when the Chinese aggression is there, there cannot be any reason for such detention. I am giving you a concrete case.

This is the way officers are behaving. Suppose he is not given any detention grounds giving reasons and he is not to make any representation and there is to be no advisory board or any body to go into that matter, he will have to be in jail for any length of time which the Government likes.

Dr. M. S. Aney (Nagpur): So far as that particular thing is concerned, it must have been done under the Preventive Detention Act. Then the advisory board and other things will be there to look into it. He must have been served with notice.

Shri Nambiar: What he has said in his telegram is that he is taken into preventive custody and put in jail. If it was done under the Preventive Detention Act, those procedures may be there. But there is no reason for detaining him except the fact that he is a communist. I may also add—I do not know to what extent it is true.—I have got a letter from home saying that the very same police officers who arrested him went to my house and enquired about me. I am here just submitting to you that this is how officers are misusing their powers.

Therefore, I submit that there must be a remedy. It may be that a particular officer might have committed an error. But if there are not one or two but hundreds of such cases, it is likely that there may be a miscarriage of justice. All we are asking is that provision may be made so that justice is meted out. I do not say that we should discard national defence or the safety of the country. I would be the last person to say so. At the same time, when there is an opportunity for you to make that provision, why not do it? After all, Tiruchirapalli or Madras is not on the firing line. There is no objection to review by a higher authority. That is what I put to the hon. Law Minister. He said that it is an emergency. The purpose of my amendment is only to see that provision is made for review by a higher authority to avoid miscarriage of justice.

Another point is this. The Law Minister has said that the utmost caution will be exercised in dealing with persons under this law. I brought before you a specific case where no caution has been exercised according to the understanding of the Minister. The officers concerned did not exercise that caution. My point is that they are not doing it. Therefore, it is all the more necessary that Government should see that their officers do not misbehave. For instance, the Law Minister was referring to the speech of Shri H. N. Mukerjee and saying that he criticised the bureaucracy. If such action as I have mentioned is not bureaucratic, what else is that? What else could be the reason for arresting Shri Umanath or for searching for me at my home? Along with every Member of this House, including you, I am prepared to fight the Chinese aggression tooth and nail. That being so, what is the reason for suspecting me or Shri Umanath. If they think that he and I must be kept in jail, it means that they want to use this occasion for vindictiveness against us for our political opposition to the ruling party, because I defeated

[Shri Nambiar].

Congress candidate in the election. If this occasion is to be used for this purpose, what shall I say? When we are together, when the whole nation is together fighting an aggressor, is it not our responsibility to see that all of us stand together as one man. Are we to settle old accounts now? Is it proper to say, 'Once upon a time, you were a communist. You have opposed Government. So I presume that being a communist, you are likely to do it again. Therefore, go to Vellore Central Jail for two or five years'.

Under the Preventive Detention Act, there is a limit of one year. As Shri Kamath has said, here there is no limit. He can be kept in detention for any length of time. Therefore, this is a manifestly unjust provision. Things which can be done must be done. There is no difficulty in doing them in Tiruchirapalli or Madras or any other place. It is not like Tezpur where some officer has run away. There is no question of running away in the case of Tiruchirapalli or Madras as a result of which review is impossible. Therefore, this is a practical suggestion which I make to the hon. Minister so that unnecessary heart-burning is avoided. When Shri Umanath or myself or any other colleague of ours is arrested, there are lakhs and lakhs of people behind us who have sent us to this Parliament. You are unnecessarily creating a prejudice in the mind of the electorate. That is the only result of this action. Otherwise, I can see no point in this action because we are all together fighting a common enemy. The Union to which I belong has contributed lakhs and lakhs of rupees to the war effort. Do you want to see that I should be punished for that, for helping the war effort?

So I may be permitted to say that this is most unjust and unkind. I have nothing else to say if this is the way you want our co-operation. We are co-operating whatever be the way you are treating us. I am an Indian

and I want to fight the enemy and free my land of the aggressor. But if you will not allow me to do that but want to put me in Vellore Central Jail, thereby thinking that the defence of the country will become pucca, I am prepared to go to jail. Let you be outside to defend the country. I have no objection. As an hon. Member there said that some must be inside jail as a contribution to the defence of the country, if that is the purpose for which this Bill is brought, if that is the spirit with which the enemy is being fought, we are ready to contribute to the common defence by going to jail, if that is the wish of Parliament, I have nothing more to add.

Shri Narasimha Reddy: Sir, I have moved amendments Nos. 1, 2 and 3 Sub-clause (25) on page 7 says:

✓ "the control of agriculture (including the cultivation of agricultural land and crops to be raised therein) for the purpose of increasing the production and supply of foodgrains and other essential agricultural products."

By my first amendment, I want to substitute the word 'intensification' for the word 'control'.

My second amendment seeks to omit the words 'including the cultivation of agricultural land and crops to be raised therein'. My third amendment seeks to make a proviso: "Provided that this shall not empower the Government to introduce co-operative farming in a compulsory manner." I have done this because I was led to think that the Government was intent on introducing co-operative farming. If the Minister is pleased to assure us that it is not the intention, I will withdraw that amendment. I am waiting for an answer from the Minister and he seems to agree with my reading of this clause.

If the purpose is to increase food production, Government can as well say 'intensification or direction'. The

word 'control' is distasteful and nauseating to the ryot. We have had two world wars and at no period did the Government assume control of agriculture. It is an unheard of thing.

Shri Narendra Singh Mahida rose—

Mr. Speaker: I will call those who have moved amendments first; I will call the others afterwards.

Shri Narendra Singh Mahida: My name is listed with that of Shri Narasimha Reddy.

Shri Kashi Ram Gupta: Sir, I have tabled a slightly different amendment—No. 18—which reads as follows:

"the control of agricultural produce markets, supply of food-grains, and other essential agricultural products."

Even if the clause as it is is adopted, it is not a practical proposition at all. Crores of kisans are involved and one does not understand how all of them can be regulated like this. I think this sub-clause had been added without seeing to the practicability of the proposition. Perhaps during the last war the British Act put in that for their own purpose but we as a free people should show that our kisans are not horrified by these detention Acts because the punishment is hard and there is also no appeal to go to the High Court. Another point is that if such a step is taken instead of producing more people may be disheartened and production may go down. As my predecessor spoke, some people fear that co-operative farming, though not compulsory, may be propagated in this way which is already a point of dispute between the different parties in the country and such things should not be introduced at this critical time. In all humility I request that this clause need not be inserted. My amendment is simple and it applies to marketing and does not apply to cultivation.

I will give an example. About two years ago some BDOs and other offi-

cers of my district took a decision that kisans be asked voluntarily to cultivate and produce more food instead of rape seed grown in that area. They fixed a ceiling that not more than one-eighth of the land held by a kisan should be put under rape seed cultivation. The result was quite otherwise. People became horrified that this sort of a thing should be done by the Government. That cannot be tolerated by the kisans. When it is so, this may become more complicated if such things are done. The revenue authorities, the patwaris and others are always out to exploit the kisan under the name of one law or another. When there are thousands and lakhs and crores of people involved, such a thing is not practicable. My submission therefore is that that sub-clause should be deleted or my amendment should be accepted.

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, मैं ने जो दो संशोधन ७० और ७१ प्रस्तुत किये हैं, उन के सम्बन्ध में मैं कुछ संक्षिप्त निवेदन करना चाहता हूँ।

जहां तक संशोधन ७० का सम्बन्ध है, मैं यह चाहता हूँ कि उप-वारा (५२) में जो यह कहा गया है :

"Instructions of members of the public in civil defence and their equipment for purposes of civil defence."

उस के बाद यह वाक्य बढ़ा दिया जाये :

"including military training or practice in the use of fire arms."

प्राज यह देखा जा रहा है कि राष्ट्र मैं सैनिक भावना बढ़ रही है और विशेषकर हमारी युद्ध-शक्ति को उद्बोधन देने की ओर हमारे नेताओं और सरकार का ध्यान गया है। सेकिन मेरी जानकारी यह है कि इस समय हमारे यहां इतने शास्त्र नहीं हैं, जिन से हम अपनी नयी पीढ़ी को विभिन्न और नियत

[श्री प्रकाशवार शास्त्री]

समय में ट्रेनिंग दे सकें। इस लिए, जिन लोगों के पास शास्त्र हैं, इस विपत्तिकाल में उन से शस्त्रों को ले कर आगर हम अपने नवयुद्धकों को शस्त्रों की दांता दें, तो यह बात हमारे लिए बहुत उपयोगी हो सकती है। आगे चल कर जब हम को अधिक शस्त्र प्राप्त हो जायें, तो उन शस्त्रों के द्वारा उन को विधिवत् प्रशिक्षण दिया जा सकेगा।

मेरे दूसरे अमेंडमेंट में यह भी कहा गया है:—

“declaring any party or association, or a group or body of persons as assisting or likely to assist or as sympathising with the enemy;”

जब से राष्ट्र में संकट का बातावरण आया है, तब से जितनी भी राजनीतिक पार्टियां हैं, यह हमारे देश का सौभाग्य है कि प्रायः सभी ने अपनी गतिविधियों को एक प्रकार से बन्द कर दिया है। जैसे अभी एक माननीय सदस्य कह रहे थे, सब की दृष्टि, जैसे अर्जुन जैसे चिंडिया की आंख ही दिखाई देती थी, अपने शत्रु की ओर है और सभी यह चाहते हैं कि किसी प्रकार से उसको भारत की धरती से अलग किया जाए। उसमें दूसरे शब्दों में कहां तो यों कह सकता है कि इस समय ४४ करोड़ के इस राष्ट्र में अब कोई पार्टी नहीं है केवल एक ही पार्टी है जो कि सब की मिली जुली है और उसका नाम है “भारत” और ४४ करोड़ देशवासी उसके सदस्य हैं और दूसरी पार्टी जिससे इसको मुकाबला करना है, उसका नाम है “चीन” और हमें उस पर विजय पानी है।

एसी स्थिति में हम थोड़ा इस बात को देखें कि जो उनके साथ सहानुभूति रखते हैं या जो देश के बातावरण को किसी प्रकार से दूषित करना चाहते हैं, उनकी इन कार्रवाइयों पर भी रोक लगाई

जाए। थोड़ी देर पहले मैंने कहा था कि असम राज्य में ही कुछ इस प्रकार के तत्व हैं जो राष्ट्र विरोधी गतिविधियों में लगें हैं। आज ही देहली के समाचारपत्रों में इसी प्रकार का समाचार प्रकाशित हुआ है कि इस प्रकार से महीनों पहले उनके गुप्तचर बहापर धूम रहे थे और सारे तथ्यों का पता लगा लगा कर उन्हें दे रहे थे। जब राष्ट्र में राजनीतिक दलों ने अपनी गतिविधियां बन्द कर दी हैं और सब मिल कर राष्ट्रीय एकीकरण की ओर अप्रसर हो रहे हैं तो ऐसे समय में जो सरकार हमारी इस समय है वह सरकार भी किसी पार्टी की सरकार नहीं है बल्कि राष्ट्रीय सरकार है, वह यह देखे और यह देखना उसका पुनीत कर्तव्य भी हो जाता है कि जिस तरह से देश के साथ दोह करने करने पर किसी दूसरी पार्टी या दूसरे संगठन के आदमियों को बन्दी बनाया जाए, वैसे ही इस ओर भी ध्यान दिया जाए कि हमारे घर में भी तो कहीं इस प्रकार के व्यक्ति नहीं हैं जो ऊपर से देखने में तो देश-भक्त प्रतीत होते हैं मगर जो उसी प्रकार का कार्य कर रहे हैं जिस तरह से विरोधी तत्व कर रहे हैं और यदि ऐसा है तो उनके ऊपर भी सरकार को इसी प्रकार से निर्भक होकर हाथ ढालना चाहिये जैसे दूसरों पर ढाला जाता है।

इन शब्दों के साथ मैं समझता हूं कि मेरे इन दोनों संशोधनों को सरकार स्वीकार कर लेगी और इनको इसमें जोड़ लेगी। इससे इस बिल की आत्मा को और बल मिलेगा उसमें किसी प्रकार की न्यूनता भी नहीं आएगी।

Mr. Speaker: Now, Shri Ranga. The hon. Member was not present, when I was calling hon. Members to move their amendments. However, as a special case, I shall allow him, but this

should not be a precedent. The hon. Member should remain present in the House when the amendments are called. I am allowing him to move only amendment No. 19.

Shri Ranga: I thank you very much for this.

Mr. Speaker: I am allowing him to move only amendment No. 19.

Shri Ranga: What procedure are we following? May we be enlightened on this? Are we to consider only the amendment which we are moving, or are we to speak on the whole clause?

Mr. Speaker: He can speak on clause 3 as well as all the amendments thereto, which have been moved.

Shri Ranga: I beg to move:

Page 7, line 17, for 'control' substitute 'regulation'. (19).

My hon. friend Shri Narasimha Reddy has already told the House how we look at it, that is, at this question or this proposal of Government to take powers under this Bill for the control of agriculture and also for the control of trade and industry. My other friends from Rajasthan have also spoken something in regard to this matter. We are certainly anxious, and we have made it very clear on previous occasions that we are anxious to co-operate with Government and help the authorities concerned all over India to do all that is legitimate and necessary in order to strengthen our war effort. At the same time, whatever we do should be done in such a way that we do not come in the way of the incentives that our producers should have, whether they be agriculturists or industrialists, to produce more and more and to continue to have their confidence in the safety and continuation of their rights over their properties, over their holdings and over their means of production. But, unfortunately, the experience of the country during the past two wars when these controls were introduced

during the war-time and thereafter also has been very tragic indeed. And it was our experience that as a result of the execution of those controls, not only had the moral standards of the officers come down and corruption in official circles had gone up but the people's own morale had also gone down, indeed very noticeably. It is not given to me only to say that, but Minister after Minister both in the previous regime as well as in the present regime has had to deplore the fact that these things had happened as a result of war-time controls and the consequent corruption that had crept into public life as well as in Government circles. That is the reason why it is very necessary to take special care to see that those evils would not recur again and that too in a more intensified manner, because ever since this planned economy has been inaugurated; many of these evils have come to be our bed-fellows, during the past 10 years. It is nothing new. The previous President and the Vice-President have borne testimony to the fact that wherever they had gone in the country, they found people complaining about increase in corruption in official and other circles and also a fall in the moral standards of different sections of our people as a result of controls, licences, permits and all the other ways of the new raj that has come to be inaugurated in this country. Under these circumstances, I hope you would permit me to move two other amendments . . .

Mr. Speaker: I cannot allow fresh amendments now. He wanted to move amendment No. 19 and I have allowed that.

Shri Ranga: It can be done even by the Government without need for accepting any amendment. If and when they take action according to the authority that may be given to them by items 23 and 25, I would like Government to take care to consult the organisations of the concerned people in the local areas as well as on an all-India level. Take, for instance, the control of trade and industry, control

[**Shri Ranga**]

of agriculture and so on. A number of organisations have already come into existence and many more will certainly come to be organised in the near future, in the light of the additional responsibilities that will come to be placed upon the industrialists on the one side and commercial interests as well as agriculturists on the other. Government should see to it that they consult these organisations before they pass any rule or regulation and also as and when they go on enforcing these rules and regulations. Otherwise, what is likely to happen is a tremendous lot of arbitrariness will creep into the administration of these controls and powers that Government seeks to take under this Bill.

My hon. friend has already said there is a very strong fear prevalent among the peasants that they are likely to suffer very much if Government were to try to take advantage of this crisis and introduce cooperative farming. It is also possible that some of the local authorities may try to take advantage of this opportunity. Before this emergency had arisen, everyone knew that there was a lot of agitation going on all over the country against the Government's policy of trying to inaugurate a national campaign in favour of what they had chosen to call cooperative farming. So many of us have taken very strong exception to it. It was on that plank also that we went to the people and sought their franchise. We have to urge upon the Government that they should not take any drastic steps to promote Government's expense, what promote at Government's expense, what they wanted to do in the way of developing cooperative farming. I am extremely anxious that this authority which Government would be taking under this Bill ought not to be utilised for promoting that particular programme which they had in their mind.

In addition to that, once the Government goes into the field of controls once again, there is the possibility that

black-marketeers would play mischief with the peasants. Merchants also would play mischief. Black-marketeers and merchants will begin to thrive under the blanket power that Government would be taking through these sections. It happened in the past and it will happen once again. I do not want to expatiate over that, because it has been within the experience and knowledge of different sections of our people, how they have had to suffer as a result of control regime in the past. So, I sincerely hope that Government will not try to introduce these controls in the hated manner of which we have had experience in the past.

I am surprised why it is that the Home Minister was not prepared to give an assurance that it is not their intention to introduce cooperative farming while this emergency continues. Why he finds it so difficult to give this assurance passes my comprehension. If, however, they have it in their mind to introduce that alternative means of carrying on cultivation in our country through cooperative farming I wish to warn them that it would not be possible for the peasants to cooperate with them at all. What is worse, agricultural production cannot be stepped up as long as this Damocles' sword is held over the crores of small-holders you find all over the country.

Dr. M. S. Aney: Does he mean to say that the Government's programme of developing cooperative farming on a voluntary basis should be abandoned?

Shri Ranga: What I say is, taking advantage of this opportunity, I do not want Government to spend public funds at the State level as well as at the all-India level to further what they call the movement for cooperative farming. There is my hon. friend, who is very enthusiastic about it, who is in charge of community development, cooperative farming and so on. All that enthusiasm ought to be utilised for the furtherance of the war

efforts and not for various other ideological offensives that they had developed against the different systems of economy we have had. We have had the economy of small holdings in our country and more than 100 million people are depending for their livelihood on the cultivation of their own lands. Their freedom is dependent on the self-employment that they have derived from their own holdings. I do not want this threat to be held out before them that even while they are being induced to produce more for the sake of war effort, they would be persuaded with all the paraphernalia that Government have at their disposal to give up their land and taken into the blind labyrinth of cooperative farming.

This is a very important clause and there are so many items here, the utilisation of which by the Government would impinge upon the freedom of the people. Therefore, I am extremely anxious that Government should agree to ask their officers that when they take any action under this clause, they should state their reasons for their actions in writing. There are certain relevant amendments to that effect.

Shri Tyagi: State to whom? To the Government and not to the party.

Shri Ranga: They should make the reasons available to the aggrieved party if and when they demand them in order to enable them to prepare answers and place them before the tribunals that would be appointed under this Act. If they are not prepared to do that, it would really become very arbitrary indeed.

Shri Tyagi: My friend would agree that sometimes for security reasons, it would not be very wise to convey what the reasons are.

Shri Ranga: Whatever cannot be conveyed to them can certainly be conveyed to the higher officer and can certainly be made available to the tribunal.

Shri Tyagi: I agree.

Shri Ranga: I am glad my hon. friend agrees. I hope the hon. Home Minister also will agree to that. We have given a lot of privileges to anyone who is being taken number detention. We should not deny to the people who would come within the mischief of this Act at least these privileges which are made available to people who are kept under detention. I do not like to agree with my hon. friend Shri Tyagi that, even in spite of the stress that we are working under, the grounds for which anyone is taken into custody and brought under the mischief of this Act should not be made known. Therefore, I am all in favour of making it available to the man concerned, to the higher officers concerned and, lastly, to the tribunal.

Shri S. M. Banerjee: Sir, I have moved my amendment No. 27 which says:

Page 10—

after line 8, add—

"(56) taking of effective steps to root out corruption."

I am happy that the amendment moved by the hon. Minister, amendment No. 111, somewhat covers my apprehension of corrupt practices and corruption. I, therefore, take this opportunity of withdrawing my amendment in favour of the Government amendment No. 111.

My amendment No. 31 reads:

Page 11,—

after line 10, add—

"provided there is a concrete evidence with the officer on officers concerned for taking action under this sub-section. Such evidence shall be made available to the party under prosecution for consultation, if so desired."

Sir, I am one of those who sincerely feel that because we are having this sort of emergency where the entire country has moved, we have to take

[Shri S. M. Banerjee]

note of the foreign aggression and the anti-social elements or the anti-national elements in this country who might try to harvest at the cost of the nation. I am all for it, that they should be punished. And, if there are still people who feel that there should be a peaceful settlement or something like that and without making their minds absolutely clear they want to help the aggressors, they must be ruthlessly dealt with. There is no doubt about it.

But there are other instances in this country. Even inside this House certain speeches were made by certain hon. Members against men who are producing the maximum. A reference was made by my hon. friend Shri Frank Anthony. I wanted to say something about it then itself but unfortunately I could not get a chance. Therefore, I take this opportunity. He said something about ordnance factories. I am really sorry he said that the Communists have infiltrated into the ordnance factories. Perhaps he does not know that the All India Defence Employees Federation is headed by Shri S. M. Joshi who is known for his patriotism. He has served in the jail for more than 20 years. The ordnance factory people are serving the country round the clock. Production in ordnance factories has increased abnormally. They have donated their one day's salary to the National Defence Fund. They have donated, in Kanpur alone, Rs. 1,64,000 to the National Defence Fund. If anybody says that they are Communists or Communists have infiltrated into their organisations, I refute that charge. They are not under Communist hands. There is not a solitary union which is headed by the Communists. And, Sir, these ordnance factory workers can take a lesson on patriotism from any hon. Member in this House but not Shri Frank Anthony who is a creation of British Imperialism.

An Hon. Member: No, no.

Shri Narendrasingh Mahida: We should not say like that. He is a leader.

Shri S. M. Banerjee: I say it is wrong. I only want to contradict it, because it will help the enemy.

An Hon. Member: It is not fair.

Shri S. M. Banerjee: 99 per cent of the unions are manned by ordnance factory workers themselves (*Interruption*).

Mr. Speaker: Order, order. Hon. Members only say that that remark was not fair and justified. In our enthusiasm or in our attempt to answer a point it is not fair to say: "he is a creation of British Imperialism".

An Hon. Member: He should withdraw it.

Shri S. M. Banerjee: I withdraw it, Sir. I never wanted to injure anybody. I only wanted to say that ordnance factory workers.....

Mr. Speaker: That is all right now.

Shri S. M. Banerjee: I am only saying that such a scare should not be created. Instead of complimenting those who are working round the clock, instead of giving them the courage and the conviction that every arm that they produce is going to help the jawans to drive the Hitlerite Chinese aggressors out of our sacred land, they are being condemned. They do not deserve this condemnation.

Another remark was made against the Central Government employees in general. My esteemed friend Shri Guha said that in every Government department there is a Communist cell. Perhaps he does not know that in 1960 all these Central Government employees under the leadership of the Federation headed by Shri Nath Pai, who is not a Communist, Shri S. M. Joshi Shri Guruswamy, Shri Peter Alvares and others passed a resolution condemning the Chinese aggression. The net result was that there was a

circular from the Director General Posts and Telegraphs that such a political resolution should not be passed. I wish I could have produced that circular. My point is that such utterances, just to attack the Communists should not be made. They may attack the Communists, I do not mind. But let them not bring in the Central Government employees who are doing their best, because it affects their morale. They are doing their best. They have assured the Prime Minister at the Ramlila grounds, where they paid a sum of Rs. 5 lakhs, that they will shed the last drop of their blood for the sake of the country. They took a pledge like that.

An Hon. Member: Are you a Communist?

Shri S. M. Banerjee: There is no question whether I am a Communist or not. I have also donated everything. Even my only child I have placed at the feet of the Prime Minister—a boy of only 14 years—and I will see that every drop of his blood is shed if it is necessary sacrifice for the country. Do not try to teach patriotism to anyone in this country. You may attack the Communists, that is a different matter. But the Central Government employees today have taken a solemn pledge. Let us not weaken our own machinery by attacking them.

Shri Ranga: Who attacked the Central Government employees?

An Hon. Member: Shri Guha.

Shri S. M. Banerjee: I would request my hon. friend to be present in the House when the debate goes on.

Mr. Speaker: Shri Guha said that there are cells in the government departments. When the hon. Member says that the Central Government employees are attacked, that creates an un-favourable impression, because nobody, not even Shri Guha had that intention. He never said like that.

Shri S. M. Banerjee: I may tell you, Sir, that the Central Government employees in Delhi or outside are not led by any political party. They cannot do it because it is not in the constitution.

Mr. Speaker: It may be perfectly all right. Nobody doubts that. But according to Shri Guha there may be an infinitesimal minority, one per cent or half per cent, and he says that there are cells. This might be his opinion. He may be wrong. But in reply to him, to say that the Central Government employees are being attacked or some motives are being attributed to them is not correct.

Shri Nambiar: There is reason to suspect.

Shri S. M. Banerjee: He should have written a note to the Home Minister. But when he makes a statement on the floor of the House it demoralises the Central Government employees.

Mr. Speaker: What would be the effect if the interpretation of his observation is put just as the hon. Member puts it, that the Central Government employees were attacked or they were suspected? That is, more detrimental.

Shri S. M. Banerjee: It should not have gone unchecked. I was listening to his remarks.

Mr. Speaker: This interpretation was not the intention of the hon. Member.

Shri S. M. Banerjee: Lastly, I would request that amendment No. 141 moved by Shri Kamath, on which a good deal of discussion took place, is the only amendment which is being moved unanimously by the left.

Shri Hari Vishnu Kamath: Opposition.

Shri S. M. Banerjee: I meant the left side, or the Opposition.

Shri Hari Vishnu Kamath: Left side of the hon. Speaker.

Shri S. M. Banerjee: When we are marching ahead to beat the Chinese we have to say in this country, "Left, right; left, right"; it cannot be otherwise.

Shri Harish Chandra Mathur: Mr. Speaker, Sir, most of the arguments and objections over which eloquence has been wasted.....

Shri Hari Vishnu Kamath: Why wasted?

Shri Harish Chandra Mathur: Because these objections were based on a fallacy and on a wrong assumption, more particularly about the pattern of agriculture, that under this Act the Government is going to pass certain sweeping orders. That is not at all the intention. It is not the possibility. It is unnecessary to say, as if we are taking these powers to introduce a particular pattern of agriculture. Therefore I said that most of the arguments and objections which were raised, more particularly regarding this, were wasted. That is not the intention. The argument is based on a fallacy that any sweeping orders are going to be passed to change the entire pattern of agriculture.

I share the anxiety of all the hon. Members that there should be circumspection and caution in the exercise of all these powers. As I said earlier in the day today, the anxiety is much more on our side, that is, those who sit on the Congress Benches, because we own the responsibility. There is the least doubt about it that we have got to be the watch dogs here in Parliament. This Parliament which is very much alive sits here to see that there is no abuse of power. If my hon. friends were to read the comments in all sorts of papers, not here but outside the country, they will find that this Parliament has been very effective and it has given the proof of its effective-

ness, vigilance and of being alive. There is the least doubt about it. Let us not belittle our contribution in these matters and our influence in all these things.

But I wish my hon. friend was here when Shri Asoke Sen spoke. He dealt with the point which my hon. friend of the Communist Party raised and over which he was so much excited. The hon. Minister gave a very meeting answer to each and every point raised by him. I will not go into that again. But I wish the hon. Home Minister to take particular note of one thing.

Every hon. Member of this House who has spoken has certainly wanted that there should be circumspection and caution. That is perfectly all right. The burden of all the speeches has been that the Government ought to be more vigilant and effective than they have been so far. If anybody were to read today's paper, *Hindustan Times*; understand what is the state of affairs in the NEFA area? How many Chinese had infiltrated there? The Chinese had passed as Tibetans as if they were the supporters of the Dalai Lama. They had come and had been sitting here all this time. We should have taken a step against those people and also against those who were friendly with them much earlier.

It has been explained that this debacle has been there because of the lack of intelligence on our side and because of the other side taking the fullest advantage of our over-generousness and leniency. Let this House not ask and bind the hands of the Government by saying that they ought to be over-cautious and over-circumspect in these matters. As a matter of fact, the demand of the House is that they ought to be more vigilant and effective and should put behind the prison bars most of those people who have let this country down. Therefore I would like the

hon. Minister to tell us as to what effective measures he is going to take in this matter

Of course, the States would be the main instruments and the agency for giving effect to most of the provisions. But I wish to stress that the Central Government must have Central intelligence all over so that there is a complete check and full information for the benefit of the States as well as of the Central Government and nothing wrong is done. I think, a detailed statement about whatever action is taken under the Defence of India Act must be submitted by each State Government to the hon. Home Minister so that he may be able to give his personal attention. It will go a long way in allaying most of the apprehensions which have been expressed by our hon. friends here. The hon. Home Minister can, as an internal arrangement, even have a sort of a small committee of two, three or four persons which may look into all the statements and assist and help the Home Ministry. They may also be able to point out that a particular matter may be reconsidered. We must not permit any reasonable suspicion or reasonable apprehension. Let us devise ways and methods which are practical and which will not hamper the action being taken in this emergency. Therefore, I would not suggest this Act to be burdened with such provisions which will hamper action and render it ineffective. We must only see that the whole organisation is so built in that there is little room, very little ground for any suspicion or apprehension. The Home Minister can think over this suggestion which I have made.

17 hrs.

Lastly, I would refer to the circular to which my hon. friend Mr. Kamath referred. It is a Congress circular, an internal affair. But, still we owe an explanation. I might submit that Mr. Kamath reads too much in it.

Let us understand the context in which it is written and who has written it. It is over-enthusiasm outrunning discretion. Nothing beyond that. Let us understand it in that context. I understand it. Do my friends not understand? I have not received it. I have not seen it. Even from what Shri Ranga read, it must be obvious in what context it has been written and what is the purpose. I think they have been seeing how the Congress party has been functioning all these days during the period of emergency, whether the Congress party has not given ample proof, adequate proof how independently it is functioning and it has always supported where opposition has to be supported.

Shri Hari Vishnu Kamath: The circular came after that.

Shri Harish Chandra Mathur: Circular or no circular, the principles are not going to be changed. Character is not going to be changed. That is there. That is the stand of the Congress party. Let there be no doubt in the mind of any one. Let us read it in the context in which it was written and what was intended. I hope there would be no misunderstanding on this score.

I am glad that you pointed out to Shri S. M. Banerjee about Central Government employees. He was putting unnecessarily too much in the mouth of Shri A. C. Guha, who only said that there is a cell, which means that certain agents may be there. It does not mean anything against the Central Government employees. As a matter of fact, it is only through the agency of the Central Government employees that Government has to function. It is only through the agency of the Government employees that this Emergency Act has to function. If you have no faith in the Central Government employees and the other employees of the Government, how are you going to enforce this provision? What are you going to do with this Act when passed? It

[Shri Harish Chandra Mathur]

has got to be implemented through the Government employees. Let there be no misunderstanding in the mind of any one that anybody has the least doubt or suspicion about the Central Government employees or any other employees. We have the fullest faith and confidence in them. If there are any failures, they would also be dealt with as drastically. As I said in the morning, anybody who abuses power is as un-patriotic as somebody who lets down the country. The Government will, I am sure, devise ways to see that there is no abuse and those people who abuse are as severely punished as those who violate the law.

Mr. Speaker: Members should be very brief now.

Shri Tyagi: I would be very brief. I have not spoken on this Bill. I want to make one or two suggestions also.

In the first place, I am glad that the opposition has taken this Bill in very good taste. I must say, whatever criticism they have offered, they have justified the dignity of this Parliament. After all, it is for the opposition to give warnings and to put before the Treasury Benches what the drawbacks may be, what types of lapses may be. That is their duty. They have done it very well. But, I must acknowledge that I am one with them as far as the spirit in which they have put forward their objections, is concerned. My request to them is this. In times of emergency, we cannot really pass an Act which would be so foolproof as the general normal Acts which we pass.

Shri Hari Vishnu Kamath: Knave-proof.

Shri Tyagi: Factually speaking, we are vesting some powers in the Government against the normal law. That is an open secret. That being so, in the time of emergency, if we want Government to be effective, then these powers are necessary; it is in that spirit that these powers are being given

to Government. I would appeal to the Opposition to be generous; in the name of this emergency, I would appeal to them to be generous enough to see that the Government are more generous and more effective also, for, the more is the burden on the shoulders of Government to see that Government justify by their actions that there is no cause for anybody to have a grouse against the operation of these rules, and the operation of the provisions of this Bill. Government must assure us on the floor of the House—I also demand it along with my other colleagues—that those powers will not be misused. As my hon. friend has rightly said, those who misuse it must be taken to task, because it is almost treason and it will be treachery against the confidence which the Opposition has reposed in the Treasury Benches.

As regards my communist friends, I am sorry that they have taken it to be an onslaught on the communists. It is not so.

Shri Daji: We have not taken it like that.

Shri Tyagi: It is only individuals who are being taken into consideration. I hope Government have made it quite clear that this is not meant against any party, but it is the actions of the individuals which will be judged, and this Bill will not allow any party just to fight a war against another party. It is the individuals who will be taken into account. Since there is no jurisdiction of the court, it is possible that sometimes an innocent man may also be caught. I hope that those persons also will suffer the sacrifices for the sake of the country.

Shri Hari Vishnu Kamath: Even Congressmen?

Shri Tyagi: This co-operation of the Opposition Parties including the Communists, is something wonderful.

I must say that I have never seen this sight of unity before; the day you called the Members to stand on their legs and pledge their loyalty and co-operation for the war, it was a sight to see the Members standing and taking that pledge. I can assure you that the House is still in the same colour, and it has still the same view and the same passion.

But my grouse is that Treasury Benches have not yet really justified, because they have taken no practical action . . .

Shri Hari Vishnu Kamath: They have been somnolent.

Shri Tyagi: If you would permit me, I would make one small proposal, though it may be absolutely irrelevant to this Bill. I say that the first thing that Government should do is to start a training camp in each district from one end of the border to the other. One thousand soldiers should be enrolled in each district from that very district, because a district can best be defended by those people who live in the district. They have immediately behind their families and their hearths and homes to defend. So, it is they alone who can best defend. Moreover, they know the topography of the place. They can be most useful in guerila warfare and other such activities. I therefore, suggest that Government should issue immediate orders for enrolment of at least a thousand soldiers in each district; they must hold a camp in that very district. They do not need military officers be deployed for training. They can get some old pensioners who can do this job. They should start it immediately with the help of Members of Parliament and others. Then, the people will realise and they will have confidence and they will appreciate that Government really mean some business. Therefore, we want Government to come into the field also and do something positive.

A point was raised about the circular, which made a reference to criti-

cism of the leaders. I am sorry that that point was raised. I must tell the House that our leader is not a leader of today. We have been working under his leadership for the last forty-five years. We quarrel between ourselves; we discuss things, we differ, again we discuss and we agree or differ. Still, he is our leader, because we have absolute confidence in him.

Shri Hari Vishnu Kamath: He is not above criticism.

Shri Tyagi: Not only we but even my hon. friends opposite have confidence in him. The whole country has confidence in him. So, there is no question of any lack of confidence, if there is any difference of opinion at any time. After all, the Congress is a democratic body.

Therefore, what that circular actually meant was that in times of crisis like this, if we at all discuss some matters inside, it must not go out in the public because that would spoil the morale of the people, and they would feel as if we are really two parties or three parties or things like that.

Shri Narasimha Reddy: Why single out the Jana Sangh and Swatantra Party alone in that circular?

Shri Tyagi: Even a little frank discussion between the party members should not be publicised. It is for that purpose that they have issued that circular. It is no question of any loss of confidence in the leader at all; every party, and everyone in the party stands by the leader. And particularly at this hour of trouble and travail, can we betray him?

Shri Narasimha Reddy: At this time, the term 'traitor' is not the proper term to be used.

Shri Tyagi: What word?

Shri Hari Vishnu Kamath: 'Traitors'.

Shri Tyagi: 'Traitors'. They call that their own party people.

Shri Narasimha Reddy: No, no.

Shri Hari Vishnu Kamath: Shri Tyagi, when he criticises the Prime Minister, cannot be called a traitor.

Mr. Speaker: Order, order. Let us have cease fire now.

Shri Tyagi: I am sorry for the word used. But the fact was that we did not want to have any controversy. I would request the Opposition also not to let our controversy go out in the public. We want the public to remain united, as united as actually we are.

Shri Narasimha Reddy: See that the circular is withdrawn.

An Hon. Member: No, no.

Dr. M. S. Aney: Does he disown the circular?

Shri Tyagi: This is a small matter.

Shri Ranga: He should realise that it was not a resume of any discussion. It was a circular sent in the name of the All India Congress Committee to all Congressmen and Congress units all over the country. This campaign is to be carried on and Congress people are being exhorted to do it.

Shri Tyagi: For that very reason, the whole of the Congress is a democratic body. They discuss matters between themselves. They may differ on any issue. The circular was meant not for broadcast outside.

Shri Hari Vishnu Kamath: Does he agree with it?

Mr. Speaker: Order, order.

Shri Tyagi: In the rules, there is a provision made to prohibit attempts by any person to screen from punishment anyone other than the husband or wife. So the screening of husband and wife has been permitted here. I am sorry the mother is not covered.

Dr. M. S. Aney: Mother and father also.

Shri Tyagi: For this reason, people should not take objection. There may be relations or friends of wife or husband. Wives are of course free to give cover to husbands. So that permission is given. This is a matter more of a family affair. In those matters, we have accommodated them. The same is the case with the Communist Party. They are close together; they are as good as family relations. Sometimes when some of their comrades are arrested, they get a little annoyed. I would make an appeal to them. Arrest would not mean anything very much. It is not a sort of conviction. They are arrested only for the sake of the safety of the country.

Shri Hari Vishnu Kamath: For their own safety.

Shri Tyagi: Even in spite of that, I beg of them to give the fullest co-operation and support to this Bill. I hope all the amendments will be withdrawn. Let the population of India know that their representatives are absolutely one in this matter.

Shri Hari Vishnu Kamath: Withdraw the circular.

श्री शिवमूर्ति स्वामी (कोप्पन): प्रध्यक्ष महोदय, मैं चार दिन से इस सदन में डिफेंस आफ इंडिया बिल के बारे में हो रही बहस को मुन रहा हूँ। मैं इस बिल का अन्यथक समर्थन करता हूँ, हालांकि भारतवर्ष में इस बिल का पास होना एक दुख की बात है, क्योंकि इस की धारा ३ के द्वारा, जो कि इस बिल की जान और आत्मा है, हम अपने तमाम बृनियादी अधिकार, फंडामेंटल राइट्स, एक्सीम्यूटिव के हाथ में दे रहे हैं। मैं समझता हूँ कि इस सिटुएशन में, इस स्थिति में, हमारा और हर एक भारतवासी का यह फर्ज है कि चीनियों का मुकाबला करने के लिए हम राष्ट्रीय सरकार के हाथ में ताकत जमा करे और उसकी ताकत बढ़ायें।

अगर हम अपने देश के इतिहास को देखें, तो स्पष्ट दिखाई देता है कि पिछले हजारों साल से हमारे देश में जात-पांत पर आधारित जो फूट चली आ रही है, उसके कारण ही भारतवर्ष की अवस्था हुई है। इतिहास इस बात का साक्षी है जब कभी बाहरी फौजों ने देश पर आक्रमण किया, तो हमारे ही देशवासी उनका स्वागत करते थे और इस प्रकार अपने देश की स्वतंत्रता दूसरों के हाथ में दे देते थे। मैं चाहता हूं कि इस संकट-काल में पार्टीबाजी और दलबन्दी के झगड़ों में-फैस कर हम वही गलती फिर न कर दें और इस प्रकार से चीनी आक्रमणकारियों के विरुद्ध किये जा रह संघर्ष में वाधा न डालें, इस देश की बार-एफर्टमें में वाधा न डालें और देश की ताकत को बढ़ाने में वाधा न डालें। इसलिए यह आवश्यक है कि देश की नाकत को बढ़ाने के पक्ष में और भारतवर्ष से चीनी हमला-प्रवर्षों को मार भगाने के बारे में जो लोग अपनी आवाज उठाते हैं, उनके खिलाफ इस प्रकार के विचार नहीं प्रकट किये जाने चाहिए, जैसे कि गो. आई० सी० सी० के सर्कुलर में प्रकट किये गए हैं। मैं पूरे जोर के साथ उस सर्कुलर का विरोध करता हूं। अपने आपको भारतवर्ष का राष्ट्रीय नुमायदा कहने वाली संस्था, गो. आई० सी० सी०, ऐसा सर्कुलर निकाले और उसमें इस प्रकार की खदजनक भाषा का प्रयोग करे, यह बहुत ही दुख की बात है।

श्री ख्यागी : उसका मतलब यह है कि हिन्दुस्तान में जो चाइना का साथ देगा, वह नेशन की मुख्यालफत करेगा और उसको बिट्रे करेगा।

श्री शिवमूर्ति स्वामी : मैं यह निवेदन करना चाहता हूं कि आज सारे देश में एकता और यूनिटी पाई जाती है और सब लोग बड़े इतिहास के बारे में जोश

के साथ काम कर रहे हैं। इसलिए ऐसे अवसर पर इस तरह की बातों से उस एकता को नुकसान पहुंचाने का प्रयत्न नहीं करना चाहिए। मैं यह भी कहना चाहता हूं कि इस बारे में माननीय सदस्य, श्री ख्यागी, की जो भावना है, वह भावना जिनों और देहात में रहने वाले कांग्रेसियों में नहीं हो सकती, जो कि छोटे अक्षरों पर असर डाल सकते हैं।

यह मानना पड़ता है कि यह सर्कुलर दल-बन्दी की भावना से प्रेरित होकर जारी किया गया है। मैं समझता हूं कि इस सदन की भावना को समझकर हमारे कांग्रेसी भाइयों को जल्द से जल्द उस में मुश्वार करना चाहिए, क्योंकि हमके बहुत दिनों तक राष्ट्रीय भावना रखने वाले देश के सब वर्गों—चाहे वह स्वतंत्र पार्टी हों, जन संघ हो, कम्युनिस्ट हों या कोई दूसरी पार्टी हो—का सहयोग प्राप्त करना होगा।

बलाज ३ के अन्तर्गत जो एक्स्ट्राईडिनरी पारवर्जन मांगी जा रही है, वे उसी बक्त दी जा सकती हैं, जबकि मुल्क में पैदा हुए इस राष्ट्रीय बानावरण में एक्सीब्रूटिव भी सब समस्याओं को राष्ट्रीय दृष्टिकोण से देखे और हमारे प्राइम मिनिस्टर-सिर्फ कांग्रेस के या किसी प्रूप के लीडर ही न रहें, बल्कि वह सारे देश के नेता हों और वह लोक-सभा में बैठे हुए सब दलों के माननीय सदस्यों का विश्वास ले कर एक राष्ट्रीय नुमायदे और नेशनल लीडर बनें। इस कानून पर कांग्रेस पार्टी की सरकार की दृष्टि से नहीं, बल्कि एक राष्ट्रीय सरकार की दृष्टि से अमल किया जाये। जब इस सदन के सब सदस्य फ़ार्मल बोट से नेहरू जी को अपना नेता चुनेंगे, तब देश में यह भावना पैदा होगी कि वह केवल कांग्रेस के ही नुमायदे नहीं है, वह उस ग्रुप के नुमायदे नहीं है, जिस ने मिनिस्ट्री बनाई है, बल्कि तमाम पार्लियर्मेंट ने उन को अपना नेता चुन कर उन को ये इमर्जेंसी पारवर्जन दी हैं। तब इस देश की जनता यह सोचेगी कि अब देश में एक राष्ट्रीय सरकार

[श्री शिवमूर्ति स्वामी]

कायम है और हम सब को उस की सहायता करनी है और उस के पीछे चलना है। आखीर में अब चाइना ने सीज़ फायर किया है। यह एक वार्निंग है जिस को हमें मानना नहीं चाहिये। इस चीज़ को हमें पूर्ण रूप से समझ लेना चाहिये कि हम इस सीज़ फायर के थोखे में आ कर किसी आराम तलबी में न आ जायें बल्कि ज्यादा से ज्यादा ताकत से और ज्यादा तैयारी करें।

मुझे इस संबंध में इतना ही कहना है।

Mr. Speaker: The hon. Minister.

Shri Datar rose—

श्री हॉ च० सौय (सिहभूम) : अध्यक्ष महोदय, मैं यहां बड़े सत्र से इन्तजार कर रहा हूँ।

अध्यक्ष महोदय : जब यहां कोई उठा हो नहीं तो मैं क्या करूँ ?

Shri S. N. Chaturvedi: I have an amendment, but because it was late I could not move it. If you allow me to say a few words, I shall be obliged.

Shri Datar: The amendment has not been allowed.

Mr. Speaker: I had announced that after Shri Sivamurthi Swami, I would be calling the Minister and then I called him. Nobody objected at that time. Nobody stood up.

Shri Ranga: You are too fast for us. We may be dull-headed, but I am sorry you have to help us.

Mr. Speaker: I have not said that the Members are dull-headed. If I am too fast, I may be removed from this office.

Shri Ranga: Every time I find that you are too fast.

Mr. Speaker: Every time I find that the hon. Member stands up and accuses me without justification.

Shri Ranga: I plead guilty that we are slow.

Mr. Speaker: I have been looking to all sides. Just let me know whether any other hon. Member stood up when Shri Sivamurthi Swami stood up. When there was only one Member who stood up, I said, he is the last Member and after that I will call the Minister. Now I am accused that I am going too fast.

Shri Ranga: Yes, Sir. Excuse me; I am not in the habit of crossing words with the Chair, but I found it necessary to make that observation.

Mr. Speaker: But where was my fault?

Shri Ranga: Can I say anything more than "Excuse me"?

Shri S. N. Chaturvedi: I would like to say a few words, Sir.

Mr. Speaker: If the sense of the House is like that, I have no objection.

Shri S. N. Chaturvedi: I am sorry I gave the amendment a bit late, but it reflects the feeling which has been voiced by the entire House. There has been unanimous support for this Bill, but the fear has been expressed that there may be some abuse of these powers, which are very wide and drastic. That is why I sought to put in this small amendment. If it is acceptable to Government, it may be accepted; otherwise not. I thought the debate was going to last tomorrow also. That is why I did not give the amendment earlier. It reads like this . . .

Mr. Speaker: When it was not given in time, he cannot move it.

An Hon. Member: It has not been circulated.

Shri S. N. Chaturvedi: It can be circulated tomorrow. The debate is going on and I have given a copy to the Minister. If it is acceptable to the House and to the Minister, it is all right.

Shri Narendra Singh Mahida: On a point of order, Sir. The amendment is not in our hands.

Shri S. N. Chaturvedi: I am going to read it.

Shri C. K. Bhattacharya: The hon. Member is putting it in as his suggestion; not as an amendment.

Mr. Speaker: If he is allowed to do that, he might do that.

Shri S. N. Chaturvedi: That is what I am doing. It reads like this:

Page 10, after line 17, add:

(iia) provide that any wilful abuse of powers or neglect of duties conferred or imposed by or under this Act shall be punishable with imprisonment which may extend to five years or with fine or with both."

We have heard a lot about the failure of duty and obligations in the House; I need not expatiate upon it. Opinion has been expressed that there should be an obligation on everyone who is vested with powers to see that they are not abused. If they are abused, it is as good or as bad as indulging in sabotage or black-marketing. As a matter of fact, these things flourish because of failure on the part of someone to be vigilant and alert. That is why I have put in this amendment with the hope that it may remove the general apprehension regarding abuse of powers or remissness in the performance of duty. I commend it to the acceptance of the House.

श्री ह० च० सौय : अध्यक्ष महोदय, मेरा अमेंडमेंट नं० २६ है। लेकिन चूंकि गवर्नरमेंट का अमेंडमेंट मेरे अमेंडमेंट से बेहतर है इसलिये मैं अपने अमेंडमेंट को गवर्नरमेंट अमेंडमेंट के फैवर में विद्वा करता हूं। लेकिन इस क्लाज के सम्बन्ध में दो तीन बातें कहना चाहता हूं।

पहली बात तो यह है कि क्लाज ३ के सब क्लाज ६, सब क्लाज ५२ और सब क्लाज ५४ में हाँड़ली कोई डिफरेंस है इसलिये मैं होम मिनिस्टर साहब से दस्वास्ति करूँगा कि

वे इन तीनों सब क्लाजेज पर विचार करें और देखें कि उनको एक में शामिल किया जा सकता है या नहीं।

दूसरी बात यह है कि मैं ने जो अमेंडमेंट दिया उसमें कुछ देर हो गई इसलिये मैं सिफ़ बतीर सजेशन के बतलाना चाहता हूं कि जब हमारे जवान लोग १४,००० फीट की ऊंचाई पर वर्फाले पहाड़ों पर लड़ रहे हैं तो दूसरे लोग भी और काम क्यों न करें? जब हम सब क्लाज २३ में ट्रेड और इंडस्ट्री को कंट्रोल करने जा रहे हैं तो यह क्यों न रख्बे कि हर आर्गेनाइज़ेड इंडस्ट्री में जो भी मजदूर हैं वे ज्यादा काम करेंगे? अभी कई जगहों पर उन लोगों ने अपनी खुशी से कहा है कि वे एक एक्स्ट्रा अवार काम करेंगे। उस एक्स्ट्रा आवार की जो आमदनी होगी उनकी वह उस को नेशनल डिफेंस फंड में डाल देंगे। ऐसी स्थिति में हम यहां पर यह प्राविजन क्यों न डाल दें कि हर आर्गेनाइज़ेड इंडस्ट्री में जो भी एक्स्ट्रा आवार काम होगा उसकी सारी आमदनी इंडस्ट्री नेशनल डिफेंस फंड में देरी?

सेवान २७ में कहा गया है:

"the requisition of services of persons for maintaining supplies and services essential to the life of the community."

उम में यह है कि आलमोस्ट एनो पर्सन की सर्विसेज हम लोग रिक्विजिशन कर सकते हैं। जहा हमारे यहां फैक्रीज के अन्दर मजदूर काम करते हैं, वहां देहातों में भी बहुत से लोग होते हैं जो काम कर सकते हैं। जो भी गांवों में एवल बाड़ीड पर्सन्ज हैं वह क्यों न एक महीने में दो रोज अपना शारीरिक श्रम सरकार को दें? हम यहां पर सिविल डिफेंस के लिये जो काम ले रहे हैं उसमें इस चीज को शामिल किया जा सकता है। जहां एक और जवान लोग इतनी कठिन लडाई लड़ रहे हैं वहां पर हम हिफाजत से और पूर्ण मुख्य सुविधा के साथ घर के अन्दर बैठे रहें यह

[श्री ह० च० सौय]

कहां तक उचित है ? इस बार एफर्ट के लिये हर एक एवल बाईड आदमी, जहां कहीं भी वह हो, मेहनत करे, और उनकी मिली जुली मेहनत से किसी भी काम में, किसी भी स्कीम में, चाहे वह सिविल डिफेन्स में हो या मिलिट्री आपरेशन के सम्बन्ध में, हम लोग बहुत लाभ उठा सकते हैं।

इसके बाद मैं यह कहना चाहता हूं कि हमारे देश में गरम कपड़ों की कमी है, पेट्रोल का गिरवं भी हमको रखना है। इस मिलिट्री में भेरा मुझाव यह है कि जितनी भी कट्टेल्ड कमोडिटीज हैं उनके लिये हम यह इन्वेन्ट्राम करें कि पर्सनल यून के लिये गरम कपड़े या दूसरी चीजों के इस्तेमाल पर कुछ रोक रखदी जाय। इसके इस्तेमाल की सीमा रखदी जाय। इसी तरह से पेट्रोल के ऊपर और एनेक्स्ट्रिट्री के ऊपर भी पर्सनल यून की सीमा रखदी जानी चाहिये कि अधिक से अधिक इतना इस्तेमाल किया जा सकता है। आपको इसके लिये फैसला करनेना चाहिये।

मुझे केवल इतना कहना था और हो सके तो हमारे होम मिलिट्री साहब इन बातों पर विचार करें और इन मुझावों को स्वीकार कर लें।

श्री कुं कु० बर्मा (सुल्तानपुर) : माननीय अध्यक्ष महोदय, यह सही है कि हम लोग इस समय संकट काल में हैं और जितनी तैयारी चीज की तरफ से है उतनी हमारी तरफ से नहीं है। उनकी फौज की संख्या अधिक है। यहां पर जो यह प्रस्ताव किया गया है कि मिलिट्री ट्रेनिंग होनी चाहिये में उससे बिल्कुल सहमत हूं और मैं इस माननीय मदन को बतलाना चाहता हूं कि उत्तर प्रदेश में हमारे मुल्तानपुर में, जहां से मैं प्रतिनिधि हूं, मिलिट्री ट्रेनिंग के लिये पहले से ही प्रबन्ध

कर दिया गया है और वहां पर लोग खुशी से उस ममिति में मदस्य बन गये हैं और माहबारी चन्दा भी देने के लिये तैयार हैं। हमारे जो पुरियम के लोग हैं या जो ग्रिटायर्ड पेंशनर हैं मिलिट्री के वे भी उम्में अपनी सेवा देने के लिये तैयार हैं। वह उन लोगों को ट्रेनिंग देंगे। मेरी समझ में सरकार के सामने कोई इस किस्म की बाधा नहीं होनी चाहिये कि हमारे पास इतना रुपया नहीं है कि हम मैनिक शिक्षा दे सकें।

आज देश में इतना उत्साह है कि हम उसका प्रयोग कर सकते हैं और मैनिक शिक्षा दे सकते हैं। हमारे जो गिररमेज हैं और जो हमारी मातृभूमि पर कब्जा हुआ है उसमें जहां और चीजें बतलायी जाती हैं वहां मुह्य कारण यह भी था कि शत्रु की सेना की संख्या बहुत अधिक थी जिसका हमको मुकाबिला करना पड़ रहा है। हमको महज इस बात पर नहीं रह जाना चाहिये कि हमारे जवान बहुत ज्यादा बहादुर हैं और वे कई चीजियों का मुकाबिला कर सकते हैं। यह ठीक है लेकिन जब संख्या बहुत हो तो हमारे सनिक क्या कर सकते हैं। हमारे जवान चार का, पांच का मुकाबला कर सकते हैं, लेकिन जब दुश्मन की संख्या उससे कई गुना ज्यादा हो जाये तो मुकाबला करना कठिन है। इस लिये हमको इस तरफ से गाफिल नहीं रहना चाहिये और जैमा कि शिक्षा की ओर माननीय सदस्य ने ध्यान दिलाया है उसका भी इसमें प्रावीजन होना चाहिये।

दूसरी बात यह उठायी गयी कि ऐसा न हो कि इसकी आड़ में कोआपरेटिव फार्मिंग कराया जाये। मैं माननीय सदस्य को याद दिलाना चाहता हूं कि इस बारे में हमारी संस्था और सरकार की नीति स्पष्ट है। जब भी इसका जिक लोक सभा में या विधान सभाओं में किया गया तो साफ तौर पर बतलाया गया कि इस के लिये कम्प्लमन हरगिज नहीं

होगा, हम किसी को किसी तरीके से कोग्रापरेटिव फार्मिंग के लिये मजबूर नहीं

। हमारे सबसे बड़े नेता श्री जवाहर लाल नेहरू ने और प्राइंटिव नेताओं ने इसका पहले से आवश्यकन दे रखा है। मैं नहीं समझता कि क्यों . . .

श्री दरेंद्र सिंह महीड़ा: इसका महूत मैं दे सकता हूं कि कम्पल्सन किया गया। गुजरात में हआ है।

श्री कृष्ण बशी: जहां तक मैं जानता हूं कहीं न तर भी कम्पल्सन नहीं हुआ है, और अगर कहीं पर ऐसा है, जैसा कि माननीय मदम्य कहते हैं, तो अगर यह बात नोटिस में लायी जायेगी तो उमको ठीक कर दिया जायेगा क्योंकि हमारी नीति यह नहीं है, न संस्था की ओर न सरकार की। तो इस के बारे में माननीय मदस्यों को कोई भ्रम नहीं होना चाहिये।

कहा जाता है कि इस कानून का दुरुपयोग होगा। मैं समझता हूं कि ऐसा कहना कबल अज्ञ बतत है। हमारी लोक सभा और सरकार भी सभी की यह नीति है कि सब लोगों का सहयोग इसमें हमको मिलना चाहिये। हम चाहते हैं कि सब बार एफटे में सहयोग दें। तो सरकार इतनी बेवकूफ नहीं होगी, सरकार में बुद्धिमत्ता की इतनी कमी न होगी कि वह जान बूझ कर जनता को अपने खिलाफ करे। ऐसी बात नहीं है। हमारा यह मना है और हम यह चाहते हैं कि हमको अधिक से अधिक सहयोग चीन के आक्रमण का मुकाबिला करने में मिले। यह सरकार ऐसी नीति नहीं अखिलयार कर सकती कि जिसमें लोगों में विरोध पदा हो।

Shri S. M. Banerjee: Let the Minister reply tomorrow.

Mr. Speaker: The Minister would reply tomorrow. All the hon. Members who want to speak will be allowed to speak today.

Shri C. K. Bhattacharyya: May I say a few words, Sir?

Mr. Speaker: Yes.

श्री यशपाल सिंह (कैगना): अध्यक्ष महोदय, मैं मुबह से मोच रहा था कि मुझे दो लप्ज बोलने का मौका मिल जाये। मैं कई दफा खड़ा हुआ, लेकिन मौका नहीं मिला।

मेरी अजं यह है कि ट्रेटर को कैपिटल पनिशेंट दी जाती है। हमारे लिये लप्ज "ट्रेटर" लिया गया है। अगर आज हमको ट्रेटर समझते हैं तो हमको गोली में उड़ा दिया जाये। और अगर किसी ने हमारे ऊपर यह गलत इलाज लगाया है तो उमको मजा दी जाये। देश के लिये हमने इतना ज्यादा खून दिया है, सन् १९४२ में दिया, सन् ३० में दिया और उसमें पहले दिया। हमने उस पार्टी से ज्यादा खून दिया है और आज भी हम उन से ज्यादा खून दे रहे हैं।

मैं कहता हूं कि कांग्रेस का क्रिमिनल नगलिजेंस है जिसके कारण चन हमारे देश के अन्दर बुझ आया। हम लोगों को हिन्दी चीनी भाई भाई कह कर अंधेरे में रखा गया। मेरा देश पंडित नेहरू से बड़ा है, भारत माता प्रधान मंत्री से बड़ी है। मेरा निवेदन है कि इस शब्द को इस मर्गकुलर में से निकाल दिया जाये अगर वह गलत है और अगर वह सही है हमको ट्रेटर की सजा दी जाय। दोनों चीजें साथ साथ नहीं चल सकती, देश भक्ति और देश द्वारा दोनों साथ साथ नहीं चल सकते।

आज हमसे कहा जाता है कि लड़ाई लम्बी चलेगी, उसके लिए तैयार हो जाओ। यह सुन कर ब्लैक मारकेटियर तैयार हो जाता है। वह मोटर का पार्ट जो मैं बीस दिन पहले डेली रूपये में लाया था आज उसका दाम सवा सौ रुपये है। जब कांग्रेस बेचेज की तरफ से कहा जाता है कि लड़ाई लम्बी चलेगी, तैयार हो जाओ तो मनाफाखोर

[श्री यशपाल सिंह]

और ब्लैक मार्केटियर तैयार हो जाता है। नेशन तो खदार के थानों से और चरखे से तैयार नहीं होगी, नेशन तो गोला बारूद से तैयार हो सकती है। लड़ाई के लिए सरकार में इस तरह का विश्वास अपने अन्दर होना चाहिए :

I came, I saw, I conquered.

अगर सरकार के अन्दर इस तरह का विश्वास नहीं है तो सरकार का यह मौरल कर्ज है कि वह इन कुर्मियों को छोड़ दे और नौजवानों को मौका दे कि वे हिन्दुस्तान की रक्षा करें। यह वरदाश्त नहीं किया जा सकता कि देश-भक्तों को ट्रेटर कहा जाए। हमारा कहना यह है कि सरकार तैयार हो जाए। आज सरकार पीछे है और जनता आगे है। आज सरकार सो रही है, पर जनता जागी हुई है। आज सरकर चाहे तो दस दिन के अन्दर यह कानून बना सकती है कि देश शराब खाने और मिनेमा घर छोड़ कर सीना सिपर हो कर चीन के मुकाबले में आ जाए।

सरकार ने यह नहीं बताया है कि मीज फायर उन्होंने किया है हमने नहीं किया है। अभी तक इसका ऐलान नहीं किया गया। भरी पार्लियामेंट में ये बातें कही जाती हैं तो इनका बुरा प्रभाव पड़ता है। हम सरकार का हर तरह सहयोग करने को तैयार हैं, लेकिन हमारी दरखास्त है कि अगर आप हमसे मुद्रम परस्ती करवाना चाहते हैं तो हम हरगिज वह नहीं करेंगे।

श्री औंकार लाल बेरवा (कोटा) : अध्यक्ष महोदय, जब से चीन ने हमारे देश पर चढ़ाई की है तब से एक नई हालत पैदा हो गई है। डिफेंस आफ इंडिया का अध्यादेश जारी करके राष्ट्रपति ने सही कदम उठाया है। अब हम पार्लियामेंट में उसे अमली जामा पहना कर बाजाबदा कानून की शक्ल देने जा रहे हैं। ऐसे मौके पर मैं भी तीन बातें कहना चाहूंगा।

एक तो शत्रु देश के बहुत से नागरिक हमारे देश में रह रहे हैं। उनकी गतिविधियां हमारे लिए बड़ी खतरनाक हैं। सरकार को चाहिये कि उन सब को जेल के सीखचों में बन्द कर दे या कम से कम उनकी हर तरह की गतिविधियों पर रोक लगाये।

साम्यवादी पार्टी का जो भी रुख है उसमें हमें बहकावे में नहीं आना चाहिये। उन्होंने दिखावे के लिये प्रस्ताव पास कर के सभी देश भक्त तत्वों को बेवकूफ बनाने की कोशिश की है। साम्यवादी पार्टी की फूट की बात भी मेरी समझ में नहीं आती। यह सब उनकी कूटनीतिक चालें हैं। हमें इन चालों में नहीं आना चाहिए। मैं पूरी दृढ़ना के साथ कह सकता हूँ कि भारत पर चीन की चढ़ाई से जो हालत पैदा हुई है उसका फायदा उठा कर ये साम्यवादी भाई देश में उपद्रव खड़ा करने से कभी बाज नहीं आयेंगे। बंदवान में जो घटना हुई है और बंगाल विधान सभा में जो बहस हुई है उससे साफ हमारी आंखें खुल जानी चाहिए। आसाम में रेलगाड़ी उलटने तक की माजिश की गई है। अभी तक कोई गिरफ्तारी नहीं हुई है। ये सब बात हमारी आंखें खोलने वाली हैं।

हमारे प्रथान मंत्री भोले भाले हैं शंकर भगवान की तरह। उन्हें यह सब समझ में नहीं आता, प्रस्ताव पर मोहित हो रहे हैं कारनामे कुछ भी हों।

यह साम्यवादी चीन के साथ लड़ाई में हमारा साथ नहीं दे सकते। वे तो हमलावरों के समर्थक हैं। जब तक हमलावरों का एक भी समर्थक आजादी से धूमेगा, फिरेगा बैठेगा, उठेगा और सोयेगा, देश की रक्षा या देश का कल्याण नहीं है। सरकार से हमारी यह पुरजोर मांग है कि वह साम्यवादी पार्टी पर प्रतिबन्ध लगाये और पार्टी के एक एक कार्यकर्ता पर कड़ी निगरानी रखें जिससे

वह किसी तरह का उपद्रव खड़ा करने में सामर्थ्य न हों। यही कारण है कि हमारे हिन्दुस्तान की बात जो भी हो इन्हीं दूतों द्वारा पेरिंग रेडियो में शाम को ही आ जाती है और जो आज के पेपर में आया है कि हम गोली नहीं चलायेंगे हमारी सरकार को इस धोखे में भी नहीं रहना चाहिये। डिफेंस आफ इंडिया एक्ट का उपयोग पार्टी के हित में न होते हुए देश के हित में होना चाहिए। पहले देश और पीछे प्रधान मंत्री एक संकुलर सत्तारूढ़ पार्टी के दफ्तर ने निकाला है कि इस वक्त वे देशद्रोही हैं जो प्रधान मंत्री की टीका टिप्पणी करेगा। यह नीति उनकी गलत है।

अध्यक्ष महोदय : कोई और बात कहनी हो तो बेशक कहें वरना संकुलर का जिक्र तो पहले ही बहुत हो चुका है।

श्री श्रीकार लाल बेरवा : अब में आने वडता हैं। हमारी हवाई सेनाओं के पास आवश्यक सामान नहीं है और न कोई बम-वर्षक हवाई जहाज है। हमारे यहाँ अच्छे सड़ाक हवाई जहाजों की बहुत कमी है। ऐंटी एयर क्राफ्ट गन नहीं है। चीन का अब इतना बड़ा हमला हुआ है और वह तेजी के साथ हमारे देश में घुसता आ रहा है तो ऐसे मैंके पर लड़ाई की पूरी तैयारी करना चाहिये क्योंकि कभी भी लड़ाई बड़े पैमाने पर छिड़ सकती है। इसलिए यह आवश्यक है कि कम से कम हर बड़े शहर में ऐयरशेल्टर बनाये जाने चाहियें। आवश्यक समझा जाए तो बड़े शहरों में ब्लैक अउट किया जाना चाहिये। एयरफोर्स को ट्रेनिंग देश के उत्तराहीं जवानों को देने का प्रबन्ध होता चाहिए।

चूंकि अब समय नहीं है इसलिए मैं और अधिक न कहते हुए यही कहना चाहूँगा कि इस एक्ट का उपयोग देश के हित में हो न कि पार्टी के लिए हो।

श्रीमती सावित्री निगम (बांदा) : अध्यक्ष महोदय, मैं इस डिफेंस आफ इंडिया

बिल का हार्दिक समर्थन करती हूँ। वैसे इस का समर्थन करते हुए मेरा हृदय एक प्रकार से क्षोभ से भरा हुआ है क्योंकि हम लोग शांतिप्रिय हैं और हमारे देश की नीति अब तक बराबर स्वतंत्रता तथा शान्ति की समर्थक रही है। लेकिन जब विदेशी दुश्मनों ने हमें मजबूर कर दिया और हमारे पर इस तरीके से एक नाजायज हमला किया तो हमें विद्य-तापूर्वक इस बिल को लाना पड़ा। आज देश के वे सभी लोग जोकि देशभक्त हैं उन को एक स्वर से बिना किसी शंका या शक के इस डिफेंस इंडिया बिल का समर्थन करना चाहिये। कुछ आपत धर्म हुआ करते हैं और उन आपत धर्मों को हम आपत काम के लिये सहर्ष स्वीकार करते हैं। ऐसे राष्ट्रीय संकट के अवसर पर इस प्रकार की बातें उठाना या इस प्रकार के संशय पैदा करना, जैसा कि मुझे अफसोस के साथ कहना पड़ता है सदब के कुछ लोगों ने उठाये, एक प्रकार से जाने हुए या अनजाने हुए देशद्रोह करना होता है। मैं बड़ी विनम्रता से कहना चाहती हूँ कि यहाँ कुछ लोगों ने ऐसी शंकायें प्रकट कीं कि कहीं ऐसा न हो कि इस एक्ट का दुष्प्रयोग हो। लेकिन मेरा कहना है कि वे लोग जोकि देशभक्त हैं और जिनका हृदय देशप्रेम भी श्रोतप्रेत है उन के मन में कभी भी ऐसी शंका उत्पन्न नहीं हो सकती।

मैं कल रात की बात बतलाना चाहती हूँ कि कल साड़े दस बजे रात में एक बहन जी घर का दरवाजा खटखटाया। वह ममतामयी बहन जब घर के अन्दर घुसी तो मुझ से कहने लगी कि मैं आज आप के पास बहुत मजबूर हो कर आई हूँ और मैं आप से यह कहना चाहती हूँ कि आप मेरे लड़के को जल्दी से जल्दी गिरफ्तार करा दें। ऐसी ऐसी देवियाँ भी देश में भौजूद हैं जिन्होंने लड़के का जरा भी मोह नहीं किया, जिस ने अपने इकलौते पुत्र के दुख की कुछ चिंता नहीं की और जिसने देश की सुरक्षा और देश की स्वतंत्रता को सब से बड़ा मान दिया। ऐसी देशभक्त

[श्रीमती मावित्री निगम]

बहिन को देख कर मेरा मस्तक गर्व के मारे ऊंचा हो गया। उस ने कहा कि देश के हित के लिये और देश की सुरक्षा के लिये इस बच्चे के पिता ने सन् ४२ की लड़ाई में अपने प्राण गंवाये लेकिन कभी कभी शेरनी की कोख से सियार भी पैदा होता है और यह मेरा लड़का उस सियार के समान है और मैं चाहती हूँ कि देश हित के लिये आप मेरे इस लड़के को गिरफ्तार करवा लें। एक तो वह बहिन और उस की देशभक्ति है जिसके आगे किस का मस्तक न न होगा और दूसरी तरफ जब मैं देशभक्ति का दम भरने वाले लोगों के मन इस एकट को लेकर एक डर और भय की भावना देखती हूँ तो मैं तो आश्चर्यचकित रह जाती हूँ और मैं सोचने लगती हूँ कि वे लोग जोकि इस एकट को देख कर ही भयभीत हो गये वे भला सीमाप्रदेश में जाकर गोली, बाहुद का सामना या चीनी दुश्मनों का सामना कैसे करेंगे। हांलाकि अभी तक इस एकट का उपयोग आरम्भ नहीं किया गया है लेकिन उसका उपयोग होने से पहले ही इस तरह कुछ लोगों का शक जाहिर करना और भय प्रकट करना शुरू हो गया है। लेकिन जहाँ तक इसकी उपयोगिता का सवाल है इस बारे में दो रायें नहीं हो सकती कि इस तरह का लजिस्लेशन आज के हालात में बहुत जरूरी है। बाहर ही क्यों संसद् में भी ऐसी बातें जो कि एकट के भी खिलाफ हैं और देश के हित के भी खिलाफ हैं, हमें मुनाई पड़ती हैं।

मेरा निवेदन है कि इस डिफेंस आफ इंडिया एकट की धाराओं से बहुत से लोग परिचित नहीं हैं इसलिये मैं माननीय गृह मंत्री से आप के द्वारा यह निवेदन करना चाहती हूँ कि उस की वे धारायें जिनका कि व्यक्तिगत जीवन से सम्बन्ध हैं उन का अनुवाद हर रीजनल लैंग्वेज में करवायें ताकि लोग कम से कम इस बारे में अनभिज्ञता का आरोप न लगा सकें।

सदन में सरकुलर की बहुत चर्चा सुनी। इस बक्त सरकुलर की चर्चा करने का मौका नहीं है लेकिन इतना मैं अवश्य कहांगी कि अगर कोई सरकुलर निकले भी तां भी जो देशभक्त लोग हैं उन को तो उस से कोई डर होना ही नहीं चाहिये। ऐसे सरकुलरों से वे लोग ही भयभीत होंगे जोकि देश का डिफेंस नहीं चाहते, देश का हित नहीं चाहते या जिन के मन में कुछ कज्जापन है या जिनके मन में कुछ शंकायें हैं। ऐसे समाज विरोधी और देशद्रोही तत्वों के लिये मैं अध्यक्ष महोदय, आप के द्वारा गृह-कार्य मंत्री महोदय से अपील करती हूँ कि उन पर इस एकट का उपयोग जल्दी से जल्दी किया जाये और उनके प्रति कोई विसी किस्म की रिआयत न दिखाई जाये। ऐसे देशद्रोही जोकि आज हम लोगों के बीच में फरंव का जामा पहन कर धूम रहे हैं उन का जल्द से जल्द अंत किया जाये।

अन्त में मुझे यही कहना है कि हमारी सिविल डिफेंस की तैयारियां बहुत तेजी के साथ होनी चाहियें और उन में कोई ढिलाई नहीं होनी चाहिये। यही दिल्ली में ही मैं बतलाना चाहती हूँ कि अभी तक सिलेबस नहीं बना है कि क्या क्या ट्रेनिंग कोसं होंगे। इसलिये मेरा कहना है कि सिविल डिफेंस के सम्बंध में जो भी कमी नजर आये उस को जल्द से जल्द दूर करना चाहिये।

आज प्रशासन के पास हर काम के लिए ट्रेंड पर्सनल नहीं है और इस नाते जनता के हर एक वर्ग का कर्तव्य हो जाता है कि वह आगे आये और इस कमी को पूरा करे। डाक्टर्स, सोशल वर्कर्स और विजनस फर्मस के जो एडमिनिस्ट्रेटर्स हैं उनको कौनफिडेंस में लेना चाहिए और उनसे यह ट्रेनिंग कोसेंज का सिलेबस बनाने और सिविल डिफेंस की तमाम तथारी में उनका सक्रिय सहयोग लिय

जारे। फायर फाइटिंग आदि की ट्रेनिंग का बंदोबस्त शीघ्र से शीघ्र किया जाय।

इसके अलावा सिविल डिफेंस सम्बन्धी आवश्यक चीजों के निर्माण के लिए जिन फैक्टरीज और इंडस्ट्रियलिस्ट्स ने ओफर किया है और जिन्होंने कहा कि वे आपका सिविल डिफेंस का तमाम जरूरी सामान बनाने के लिए तैयार हैं अभी तक इन तमाम उद्योगपतियों के पास न तो गृह मंत्रालय ने और न सुरक्षा मंत्रालय ने कोई अपनी रिक्वायरमेंट्स भेजी हैं। बस में और अधिक न कह कर इतना ही कहना चाही हूँ कि उन लोगों ने जिन्होंने कि अपना ओफर भेजा है उनका सहयोग जल्द से जल्द लेना चाहिए।

मैं कलाज तीन का समर्थन करती हूँ।

Shrimati Lakshmikanthamma: I do not know what has confused our hon. friends who stood up on that day when you asked them to do so and voted solidly behind our Prime Minister in our efforts to drive away the invader. Today when the Congress has issued a circular—perhaps there might be some confusion in regard to a word used—in pursuance of that, they are annoyed. It meant only that those who support our Prime Minister and are for driving away the invader are patriotic and all those people who do not support the Prime Minister in driving away the invader are traitors. The word may have been there, may not have been there, but it meant only what I have just said.

Shri Hari Vishnu Kamath: By your leave, the words in the circular are as follows. I will read only one sentence.

Mr. Speaker: Order, order.

Shrimati Lakshmikanthamma: The words can be rectified and further clarification can be made.

Shri Hari Vishnu Kamath: Those who criticise are termed 'traitors'.

Shrimati Lakshmikanthamma: If all the Members desire, I think we can ask our President to circulate a further clarification.

Mr. Speaker: After the debate, hon. Members might know about the intentions, but they have only to read the words to come to their conclusions. Anyhow, if the words used are such as to give that impression, certainly they would be justified in forming that impression.

Shrimati Savitri Nigam: Even after clarifications were made these words should not be repeated . . . (Interruptions.)

An Hon. Member: You are not competent to clarify it.

Shrimati Lakshmikanthamma: Perhaps it is an emergency circular sent by the President in order to avoid any defeatism or confusion in the minds of the people by people who like to make political capital out of it. This is the time when we should give our leader all power that we have. The story of the Mahishasuramardhini is an example. She was a woman and when asked to go and fight that great dragon, she said: how can I, a woman, fight? Then she was given all the powers; she got a giant-like personality and killed the dragon. That is how we have to make our leader big by giving him all our powers to drive away the Chinese dragon. Perhaps you know the Mahabharatha story. Karna was a person with courage and valour and his charioteer was Salya. At every moment he put the defeatist mentality in Karna, saying all sorts of things. Karna lost all confidence in himself. Even a great person will lose all confidence if it is said to him: you are unfit and useless for wartime leadership. Either support your leader with your heart and mind and sincerity or better keep quiet but do not do Salya saradhyam.

The President's Proclamation is only an intimation to those directly involved in the struggle that all the energies

[Shrimati Lakshmikanthamma]

of the nation are geared up to give them adequate and timely support. Then there are also rumour mongers. Either ignorantly or with some motive they spread all sorts of things including what Peking Radio says, as if they are its agents. We have to safeguard our people against them, as also against the hoarders and profiteers, not knowing the consequences, not knowing what will happen to their very existence, try to make profits out of this crisis. It is essential to put these people down.

Then there are people who spy. In today's paper there was news about spying and some sort of a communist help was there to Chinese. Is it to be tolerated? Now Communist Party has passed a resolution; a section of that party had also to take a great risk in passing that resolution. It is welcome. But can we take chances with that section of Communists who are pro-Chinese? I wanted to feel the pulse of the people in a constituency adjacent to mine where there was some communist influence in some villages. Even in these days, even after that resolution, the rank and file or some of them, tell the people that the Chinese brothers are coming to liberate them. Can Government take any chances against such people because they have passed a resolution? No. This freedom has been won, at what cost? For generations together our people suffered, faced bullets, went to the gallows with smiling faces. Our women had to leave their houses, their husbands and children and go to the prisons in thousands and millions. This is the cost of our freedom. We have to safeguard that freedom jealously and also the integrity of our nation. At this juncture we cannot take risks in the name of democracy. In this emergency, we have to restrain our rights to some extent.

There is absolute unity in this. It is the will of the people. All the people are behind the Government; it is not like what Mr. Mukerjee said. The people are behind all the steps

that the Government are taking. On the other hand, people are more anxious why Government is not taking adequate steps against such unsocial elements. There is also a safeguard. Under this emergency proclamation also, we must remember that it is coming before both the Houses and if it is not passed within two months, it will lapse. So, it has the full backing of the people.

Dr. M. S. Aney: May I know on what amendments she is speaking? We are discussing the amendments to clause 3.

Mr. Speaker: Not only the amendments, but the clause also.

Shri Nambiar: Clause 3 is half of the Bill.

Shrimati Lakshmikanthamma: Clause 3 is about the powers. I am talking about the need to confer so much powers on the Government.

It is a fact that the entire people are behind this. With three days of learning shooting, I secured 80 per cent marks in shooting. There are many more like that. There is a saying "Who stands if freedom falls? Who lives if India dies?" To guard this freedom, even 10 crores of men and women will go to the front and die as free citizens or live as free citizens. Yesterday, the Mongolian and Hungarian Governments suggested that we should accept the Chinese cease-fire proposal. During the last war . . .

Mr. Speaker: She is quite off the mark; she must conclude now.

Shrimati Lakshmikanthamma: During the last war, when the German invaders had gone very near Moscow, they did not advise themselves like that to accept any ceasefire proposal. They fought to the last drop of their blood. We are in no way lacking in our courage and valour. The men and women of this country will fight

with full confidence in this Government, which stands for democracy and freedom of this country. We will fight to the last drop of our blood and preserve our freedom, by driving away the invaders.

Mr. Speaker: Dr. Rao has just come. What is the sense of the House? Tomorrow I am not going to allow any private Members. Only the Minister would reply tomorrow. Would the House like to listen to Dr. Rao and Shri Deshmukh?

Some Hon. Members: Yes.

Dr. K. L. Rao (Vijayawada): I will finish in 5 minutes.

Mr. Speaker: Shrimati Laxmi Bai.

18 hrs.

बीमती लक्ष्मीबाई: अध्यक्ष महोदय, दस थंटों की बहस में मुश्किल से तीन चार औरतों को इस पर बोलने का मोका मिला है। मैं बहुत अदब से कहना चाहती हूँ कि मैं हमेशा देखती हूँ कि उन औरतों को भी आखिर में टाइम मिलता है। आप मेहरबानी करके औरतों को बीच में बुला लिया करें।

अध्यक्ष महोदय : यह बात ही ऐसी है कि जो मर्द हैं वे आगे आगे चलें और मातायें उनको पीछे पीछे से होसला दें। चूंकि यह चर्चा ऐसी थी इसलिये मैंने आपको बाद में समय दिया ताकि उनको हौसला दें।

बीमती लक्ष्मीबाई: मैं अपने होम मिनिस्टर साहब को बधाई देती हूँ कि जिस तरह का विल वह लाये हैं वह संकट के समय जरूर प्राना चाहिये। इस सम्बन्ध में मेरी यह राय है कि मैं जहां से आती हूँ वहां में किसी को बुरा नहीं समझती। इन्डियाजुगली कम्यूनिस्ट सोग बहुत अच्छे हैं। मैं पर्सनली जानती हूँ कि तेलंगाना में बहुत से ऐसे कम्यूनिस्ट हैं जो करेक्टर

में बहुत अच्छे हैं। लेकिन जब समस्त में मिल जाते हैं कि तब वे खराब हो जाते हैं। जब चार कम्यूनिस्ट मिल जाते हैं तब उनकी आदत खराब हो जाती है। मैं अपने अनुभव से कह सकती हूँ कि हमारे यहां कम्यूनिस्टों के दो तरह के दोनों हैं, खाने के और दिखाने के और। वह हमेशा सीधी बात नहीं कहते हैं। जहां चार मिल गये कि तरह तरह की बात कहते लगते हैं और तरह तरह के रूप धारण करते हैं। हर साल उनका रूप बदलता रहता है। तेलंगाना में रहते हुए मुझे जो तजुर्बा उनका हुआ है अगर मैं उसको कहूँ तो यहां एक धंटे में भी बत्तम नहीं कर सकूँगी।

हमको यह भूलना नहीं चाहिये कि कम्यूनिस्टों के अन्दर भी ए, बी, सी क्लासेज हो गये हैं। एक कम्यूनिस्ट, बी कम्यूनिस्ट, सी कम्यूनिस्ट, इस तरह की तीन या चार क्लिस्में हो गई हैं। हमें मालूम नहीं है कि उनके अन्दर क्या हो रहा है। मुझे उनसे डर लगता है इसलिये आप इस चीज को ध्यान से सुनिये। हमारे हिन्दुस्तान की बहनें दुनियां की बहनों से बहुत आगे हैं। बापूजी ने एक किताब में लिखा है और हमारे शास्त्रों में भी है कि हमारे यहां बहनें बहुत सिन्सिअर होती हैं। दुनिया में सब जगह ऐसा होता है लेकिन हिन्दुस्तानी बहनें ज्यादा सिन्सिअर होती हैं। लेकिन गुरु जैसा मिलेगा वैसी ही हमारी बहनें बनेंगी। हमारी कम्यूनिस्ट बहनें बहुत खतरनाक होती हैं। उनमें तरह तरह की ताकत रहती है और हम उनको पहचान नहीं सकते हैं। हमारे कम्यूनिस्ट भाईयाँ में अन्तर्धान रहने की, गलीज गन्दे में रहने की, रूप बदलने की तरह तरह की ताकत होती है। कभी कभी तो वे औरतों के वेश में भी आते हैं। मुझे तीन चार बार ऐसा दिखाई पड़ा। वह घर में आये और सामान लेकर चलते

[श्रोतां लक्ष्मीबाई]

बने। मैंने तो समझा कि कोई सहेली मेरी आ गई लेकिन वह दूसरे लोग निकले और सामान ले जाने के बाद मुझ को चिट्ठी लिखी कि हम कलां दिन आये थे तुम्हारे यहां।

जब पहले पहल हमारे देश में सन् १९४७ में आजादी आई तो हमारे इन्हीं कम्युनिस्ट भाइयों ने मिल कर निजाम को प्रभावित किया, पास गये और कहा कि तुम क्यों हिन्दुस्तान में मिलते हो, तुम हिन्दुस्तान से अलग रहो और इस तरह से उन को बहका कर उन से मदद बगैर ली। बाद में हिन्दुओं के पास गये और कहा कि वहां मुसलमान रजाकार लोग हो गये हैं। वहां पर मुसलमानों का राज है, आप हिन्दू हैं आप क्यों उन से मिलते हैं? इस तरह से उन से भी हथियार से लिये, पैसे ले लिये और अपने घरों में ले जा कर रख लिये। हथियार लेने के बाद उन्होंने अपनी चालों दिखानी शुरू की और रात में अमीरों को मारने लगे। अमीरों ने सरकार से शहरों में शरण ली, दिन में यह समझ कर कि गांव बालों ने कम्युनिस्टों को शरण दी, रजाकार पुलिस के साथ गांव में आकर जनता को मारने लगे। इस तरह कम्युनिस्टों ने वहां पर आंख मिचोली का खेल खेला, रजाकार दिन में खेलते रहे और कम्युनिस्ट रात में खेलते रहे। धीरे धीरे कम्युनिस्टों ने भाले भाले रजाकारों से उन के हथियार भी न लिये। जब इंडियन पुलिस ऐक्शन हुआ तो रजाकार और कम्युनिस्ट दोनों मिल गये और दोनों ने मिल कर इंडियन लोगों को दगा दिया। उन्होंने वहां पर सड़कों का टांडी, पुल गिरा दिये और आगे जाने के रास्ते बन्द कर दिये। इसलिये कम्युनिस्ट लोग किसी तरह का वादा करें, हम को उन पर भरोसा नहीं करना चाहिये क्योंकि वह गोल मोत लोग हैं। उन्होंने पता नहीं कितनी बार कहा कि हमारे पंडित जी की पालिसी से वह बेजार हैं क्योंकि पंडित जी की पालिसी

नादानी की पालिसी है। मैं कहना चाहती हूं कि पंडित जी दो तरह के दांत नहीं रखते कि एक तरफ तो पंचशील की बात कहें और दूसरी तरफ सेना की ताकत बढ़ाते जायें। यही बजह है कि आज दुनियां हमारे पीछे हैं और हमारी ताकत बढ़ गई है। अगर वे दो तरह की बातें करते तो यह ताकत हमारे अन्दर नहीं आती। पंडित जी बहुत सिन्सिएर हैं। हमारे शास्त्रों में भी लिखा हुआ है कि "अहिंसा परमो धर्मः" साथ ही यह भी लिखा है कि "सर्ववर्भमें समानत्वः"। हम पचास सालों से कहते आये हैं कि "सर्ववर्भमें समानत्वः"। हम अगर घर में आपस में लड़ते हैं तो भले ही लड़ते रहें लेकिन दुनियां के लिये हम सब एक हैं।

आज मैंने पेपर में देखा तो मेरी तबिअत गदगद हो गई कि आज हिन्दुस्तान के बच्चों ने इकट्ठा हो कर एक रेजोल्यूशन पास किया कि वह अपना पाकेट मनी खर्च नहीं करेंगे बल्कि रक्षाकोष में अपने खून के साथ दे देंगे।

अध्यक्ष भ्रह्मदय माननीया सदस्या अब खत्म करें।

श्रीमती लक्ष्मी बाई : बापू जी हम से यह भी कहा करते थे कि :

"I want India's rise so that the whole world may benefit. I do not want India to rise on the ruins of other nations."

यह हमारी पालिसी है। हम इस के ऊपर डटे हुए हैं। मैं अपने होम मिनिस्टर से यह बतलाना चाहती हूं कि आप अपने जवानों को तैयार करें, फौज में उन को भेजें, लेकिन इस से ही हमारा काम पूरा नहीं होगा। आप को अपने एडमिनिस्ट्रेशन को भी ठीक करना होगा। आज हमारे यहां जगह जगह पर चोर बैठे हुए हैं। आप के इंटेलिजेंस डिपार्टमेंट को एकेकिंव तरीके से काम करना है। आज आप के इंटेलिजेंस डिपार्टमेंट में आप, के

ऐडमिनिस्ट्रेशन में, कारखानों में, सब जगह चौर धुसे हुए हैं। उन जगहों पर हिन्दुस्तान के विश्वद्वाह हो रहा है। आप को उस को कट्टोल करना चाहिये। किस तरह से करना है यह आप को मालूम है। आप को हजार आर्थिकों से देखना पड़ेगा नहीं तो खाली हमारे जवानों के भेज देने से ही काम नहीं चलेगा।

इस के अलावा आप को यह भी ध्यान रखना चाहिये कि यहां पर जो भी काम कर सकने वाले लोग हैं वह सब काम करें। आप के यहां जो पांच घंटे काम होता है उस से काम नहीं चलेगा। कम से कम छः सात घंटे काम होना चाहिये। होम मिनिस्ट्री की तरफ से एक संकुलर निकलना चाहिये कि वक्त आ गया है कि कम से कम छः सात घंटे काम हो। हमारे यहां के लोग बहुत गरीब हैं, अनपढ़ हैं, उन को मालूमात नहीं हैं। उन के लिये आप को कार्ड स इश्यू कर देना चाहिये जैसे कि आप जरूरत पर लोगों को राशन कार्ड इश्यू करते हैं। उस के जरिये से वे गांवों में जा कर महीने में कम से कम दो दिन काम करें। वे गरीब हैं इसलिये पैसा तो वे दे नहीं सकते, लेकिन इतना जरूर कर सकते हैं कि वे गांवों में जा कर काम करें और इस तरह से आप की मदद करें।

इन शब्दों के साथ मैं कलाज ३ को सपोर्ट करती हूँ।

Dr. K. L. Rao: Mr. Speaker, Sir, our determination to resist the Chinese aggression is the highest expression of our will to live. In this hour of crisis we must mobilise completely all our resources and for doing so, the Bill and, particularly, clause 3 is most essential. It is necessary to meet the needs of both the home front and the battle front. In the UK, for example, there was a similar law during the last war. During the last war I happened to live in the UK. On the home front they brought by persuasion and by giving some preferential treatment to the agriculturists—they used to give them extra ration of

cheese, butter and so on—as many as six million acres under cultivation, which was an entirely new acreage, and by doing so were able to increase their food production by 70 per cent. They realised that the domestic economy was entirely dependent on the farmer who cultivates the land and gathers the treasures out of the ground.

Similarly, therefore, while we give these emergency powers which, I do not think the Government will have any occasion to use, because we have got a very beautiful democratic set-up in this country, the farmers will answer the call of the nation without the necessity of application of the laws. If only we give them some incentives, like, supply of fertilisers at a reduced cost or supply of free water to new lands without any tax for one or two years—I am sure, there will be very good response from the agriculturists.

But, at the same time, I must submit that the Central Government must reform a little and rise to the occasion to see that there is greater co-ordination. The Ministries of Agriculture and Irrigation must combine into one in a crisis like this. At any rate, they must co-ordinate much better. There should be no difference between minor irrigation, major irrigation and so on. Thereby you are not getting that concentration of effort on agricultural production.

Similarly, in the matter of actual construction there are various departments, like, the revenue departments, zilla parishads, minor irrigation departments etc. dealing with minor irrigation works. It is very difficult really in practice to know the particular authority for each of the works. I would, therefore, submit that in this emergency there must be one agency to do these works. Once you do this there will be no necessity to resort to these emergency powers that are included in clause 3.

We want increased food production. That is the most essential item on the home front.

[Dr. K. L. Rao]

Similarly, to achieve success on the battle front, there are three fundamental factors which have to be satisfied. Once you do that, history shows that you can easily achieve victory. The first is what we call combatant morale, "will to fight". That we have got any amount in this nation, because we are defending a very holy land, a very ancient land, full of all religions. It is not one or two; people of all religions flourish in this country. We are fighting against atheist China which has absolutely no religions whatsoever. Therefore, I am sure there will be continued will to resist with religious fervour. There will be no necessity to take any extra measures except now and then to use the A.I.R. to counteract the unfortunate propaganda of lies that are said against India.

The second factor is, organisation of a sound military Headquarters. Of course, I must submit that there is a great need for a change in our organisation. Because, at the moment, our Defence secretariat is full of laymen, officers who are absolutely laymen. I understand that it has been recently reinforced by the additional sanction of 4 or 5 Joint Secretaries. All these people sit over the Chiefs of Staff and try to scrutinise their proposals and so on. Added to this, there is financial control which owes allegiance to another Ministry. I submit that in the case of an emergency, it is necessary for us to eliminate all the various factors which cause delays and have a tendency for digression, and copy the practices of U.K. In the U.K. they have got Lord Mountbatten, over the three Chiefs of Staff, as a presiding officer. Similarly, we can have a council consisting of the three Chiefs of Staff with one presiding officer. Of course, he must be a professional man. He must have status enough to present the professional point of view before the Defence Committee. If such powers are given and he is given authority to go along with the military build up, I am sure, there will

be no necessity for any emergency powers to be used.

I am afraid, recently, two or three years back, the Engineering department of the military has been tampered with very badly. Unfortunately, that has been divided up. For example, there is one organisation which looks after border roads, another organisation which looks after civil work works and a third: all pertaining to the same transport and communications. This has led to,—I do not want to use strong language—atleast lack of coordination. What I would submit is that there should be one technical man to look after the various works as has been done before. If that is done, our transport system, our communication system will be greatly improved. The supply system entirely depends on communications. Napoleon has put it very cryptly when he said that "the secret of war lies hidden in the communication". Therefore, it is most essential that we should reorganise the Engineering section and see that it is well knit and well coordinated.

Another factor that I would submit for achieving complete success on the battle front is the supply of guns, tanks and aircraft. This, of course, we have got to do on a long term and short term basis. (The bell rings.) Just two or three minutes, Sir. I would like to submit that we must be very realistic when we examine adequacy of our equipment. There is no use trying to meet the urgent needs of today with the probable achievements of tomorrow. That is what we are doing. We are going to build this, that and we count on them too much. War is a reality. We must do everything on realistic and practical considerations. For the urgent things, there is no other go, we have got to borrow from outside. At the same time, we must arrange our manufacturing programme so that in course of time, we should be able to depend on indigenous manufacture. We have lagged behind. It is a very long distance from the days of bows and arrow to

the present days of atomic bombs. At least we should be prepared for conventional war if not for nuclear war which is not possible. That requires mechanisation. Mechanisation is the keynote of success. Mechanisation means multiplying mass activity. For example, we are reading that the Chinese are coming in superior numbers. That is bound to be. Their population is bound to increase. There will always be numerical superiority. Where you can succeed against the Chinese is by attaining technological superiority. Once we attain technological superiority which we can do—we are much better fitted for that—once we do that, once we attain... (The bell rings). Two or three minutes, Sir.

Mr. Speaker: He should conclude now. He asked for five minutes. He had ten.

Dr. K. L. Rao: I am sorry. I shall finish in two or three minutes.

Mr. Speaker: The hon. Member is going into too general things. That was my difficulty. Probably, he has brought the contagion from the previous lady speaker.

Dr. K. L. Rao: That is true. I did not get a chance earlier to speak on this Bill, and so, I must accept that I have got the contagion; I took the cue from the previous speaker.

Mr. Speaker: The hon. Member was speaking on technology. He might continue it now.

Dr. K. L. Rao: I was submitting that the only way to overcome the numerical superiority of the Chinese, which will be there for all times to come—it is not there only today, it will not be there only tomorrow, but it is always there and it will always be there—is by attaining technological superiority.

It is very necessary to remember that these wars can never be projected on the basis of the previous

weapons. We all know, for example, that the first world war used a gas. In the Second World War, the technique changed completely, because gas was not at all used. Of course, they had to provide gas masks. In fact, in England, they imposed a heavy fine if we did not carry the gas mask. But that was not actually necessary at all, because in the Second World War, the type of warfare entirely changed and went over to the use of aircraft.

What I am submitting is that mechanisation is so essential. At the moment, we have got only a trickling amount of mechanisation; we should swell it into a sweeping flood, and then only we can get that high amount of mechanisation which must be there. I do not mind if there is no mechanisation on the civil side. It does not matter if we do not have tractors for the fields, but on the military side, let us all be very definite and certain that we should have mechanisation. It is only that which can save us from the numerical superiority of the Chinese or from any other quarters.

In this connection, I must submit that armament factories like the Hindustan Aircraft Ltd. and so on must be managed by technical men. There is no use of entrusting them to some retired finance people or retired administrative officers etc.

Shri Hari Vishnu Kamath: The hon. Member is going too far away from the clause under discussion.

Dr. K. L. Rao: There are a few more points that I would like to mention, but I do not want to tire the House at this late hour.

In conclusion, I would only make a brief reference to the circular. I have just heard something about the circular. I am a Congress man, but I must say that I have not received that circular. I have not seen that.

Dr. L. M. Singhvi: The circular ought to be buried now. So, bury it.

Dr. K. L. Rao: I would view the matter in the following way, namely that this Defence of India Bill represents the nation's solemn pledge of a sacrifice, a supreme sacrifice on the altar of freedom, to achieve victory. When we are dealing with things in that high pedestal, is it necessary for us to care for this circular and so on? We must all be united, and let us definitely see that we are united. Once we are united, and once we are on the right lines, I am sure this emergency Bill need not frighten us; as I said a little while ago, this Bill represents the nation's supreme sacrifice to achieve victory.

भी दें शिंग्ही पाटिल (यवतमाल) : अध्यक्ष महोदय, सदन में अपना भाषण देकर माननीय सदस्य उठ कर चले जाते हैं और इस तरह संभवा कम होने से यहां पर काम जारी रखना कठिन हो जायेगा। इस और मैं आपका ध्यान आकृष्ट करना चाहता हूँ।

अध्यक्ष महोदय : मैं भी देख रहा हूँ कि जो भाषण दे लेते हैं वे चले जाते हैं। अब मैं नहीं समझता कि कौन सा तरीका उनको रोके रहने का हो सकता है।

Shri Hari Vishnu Kamath: Do I take it that the hon. Minister will reply tomorrow?

Mr. Speaker: Yes, the hon. Minister will reply tomorrow.

Shri Narendra Singh Mahida: I have tabled many amendments, and there are many clauses on which I can speak, but I shall reserve my comments on them for tomorrow, because I shall have to move my amendments and say something on them.

The Defence of India Bill is necessary, but it must be looked into and checked also. The fact that we are

in an emergency does not mean that absolute powers should be given to Government, because "absolute power corrupts absolutely" and that maxim still holds good. Unless we have a dictatorial Government, I am not prepared to concede these powers unchecked or give full support to this measure without due consideration as some hon. Members have been wishing us to do. We must put proper checks, and we must improve upon whatever provisions are there, and make the Defence of India Bill suitable within the set-up of our democratic government.

The first submission that I would like to make, in this connection, to the Home Minister is that many ex-officials of the Army have not obtained suitable accommodation in Delhi. Only three months back, high-ranking army officer who retired could not find space to live. This sort of dissatisfaction in the army should be removed. I have come across many army officers who have been disgruntled at the way we are treating them. But now their importance has come up. So we are now giving them all sorts of facilities. These facilities should have been available to them long before. Ever since independence, we should have given more attention to them and the morale of the army should have been raised to a higher degree.

Some years back one of our Generals was talking to me and telling me that the army was being told to wear khadi. I have been wearing khadi for the last 30 years. But that does not mean that this sort of fad should be introduced into the army without consideration of utility. The army should be treated better, more so in peace time. But the army has been neglected.

So while we should not neglect the defence of India, we should also hear in mind and provide more amenities to the army. We should give the army officials the facility of free

schools for their children, their rehabilitation, and if they die, adequate pension to their kith and kin. I know of instances where during the course of the Goa action we had lost some soldiers. I came across a soldier who had lost his one eye and all his fingers. We are paying him a pension of Rs. 27 per month. How is the soldier going to live on that with his family? These instances should be looked into. I have complained to the Defence Minister also. But nothing has been done so far. Now we must see that the soldiers get better treatment.

We are talking of Defence of India Bill all right. But where are the defences? I do not see much defence arrangements in Delhi, I do not see any such measures in Parliament House or in Rashtrapati Bhavan. Where are the civil defence arrangements? We are in an emergency. We are at war. But I do not see much of civil defence arrangements. I went to Hardwar yesterday. I did not see any defence preparations except some bold persons carrying some rifles round about. Is that the way we are going on with the defence of this country? I make an appeal to the House and to the country. Let us talk less and do more. Let us have some concrete plans for the defence of our country on a more sure footing.

I am very pained to say that the cease fire offer has had an adverse affect. Even day before yesterday, people were talking at Hardwar and saying 'There is no fighting now', and I saw a very high army official returning from Jyoti Math with a few jeeps. I wanted to stop and question him as to why he was returning. Probably this method of relaxation is not good for us. Then look at the panic created in Tezpur, even though in a small scale. I am afraid if we do not take notice of it and take proper measures, we shall repeat it everywhere.

So more attention should also be paid to civil defence measures. I still

fail to understand why our able-bodied persons are not yet called upon for military service. Let them have lathis even. We shall even with that bold spirit do our best. Let there be no idleness. Let there be no unnecessary talk. Let there be concrete efforts made. Let there be no lull in our measures to deal with the situation.

Lastly, I want to impress on our countrymen about one thing. I am fully prepared to help the defence measures in any way you like. But, just look at the recent Congress circular. Some hon. Members may dislike my referring to it. But we are much hurt by it. We who belong to the Swatantra Party feel that we are persecuted. When we have even given up our kingdoms, when we have sacrificed our jagirs and zamindars and all our wealth for the country, should we in the Swatantra Party be called traitors? Is that the way to behave with us?

Shrimati Lakshmikanthamma: As he has fully supported the Prime Minister the other day, he need not include himself in that category.

Shri Narendra Singh Mahida: This is not the way to behave in this emergency. But even if they publish such circulars I shall not pay heed to it. I shall do my duty. That is my attitude.

But I want to say this to hon. Members of the Treasury Benches. They should restrain themselves. Let them not adopt this sort of attitude. It does not do any good. If such a mistake has been committed, I request those in authority in the AICC to correct it, to set the matter right. That will be the right and honourable way out of this circular issue.

Lastly, I welcome the Defence of India Bill generally, but as regards the clauses on which I have to speak, I shall say tomorrow.

Shri C. K. Bhattacharyya: From some of the speeches that I heard

[Shri C. K. Bhattacharyya]

from the Opposition Benches, I felt that they are not in touch with realities. Otherwise, those sentiments and remarks could not have found expression. India is in a position in which few countries have found themselves in history. It has very rarely happened. On the one hand, there is the Chinese aggression getting into our territory about 150 miles deep; on the other, Pakistan which we created in order to have peace and good relationship, is negotiating with the same aggressor sitting on both sides of this country.

Practically we seem to be surrounded. There should be no loose talk or remarks which may make people think as to whether we are speaking with divided minds. Perhaps it was Prof. Ranga who said: if you want our co-operation, you must act in this way. This is not a situation in which co-operation may be made conditional. It is not that the Government wants co-operation in order to sustain itself: Government is sustained by the party. But we are required to do our duty by our motherland. That is the position. It is not a question of co-operating with the Congress Party or helping the Government to sustain itself. Some of the speeches have been in this strain. With Pakistan on the one hand and China on the other, hearing the sons of India talking in that strain, affected me and that is why I speak.

Speaking about China, we do not know why they have declared this cease-fire. This stalemate is going to continue upto 1st of December. Nobody knows what is going to happen after that. As we know during the last five or six years, the policy of China has been: trying to gain a point and after gaining that point, they make it a starting point for further negotiations. Pakistan has acquired about 1500 crores of rupees worth of arms from the United States with the assurance or a bluff that it will fight the communists. In this crisis when there is aggression by a communist power on India, Pakistan is making a pact with

that communist power. That is the situation in which we find ourselves, a very complicated and difficult situation.

In such a situation, it is not unusual for a Government to seek for extensive powers. Powers sought under clause 3 are therefore natural. There has been apprehension that they may be misused. Our country has been habituated to a democratic rule for the last fifteen years or so and it will not allow itself to be tyrannised. People are sufficiently self-conscious. No official or administrative machinery will misuse the powers that are vested in them under clause 3.

One of my communist friends said that the arrests were being made for settling old accounts because of defeating the Congress candidates. That was the most uncharitable and unkind interpretation that could be put upon the steps taken under this emergency. Let us see what the Chinese cease-fire proposals mean: "This is the line which we have come up to; we are now receding from this line up to a certain distance. But we are placing our guards on this line. If you dare to come in we are going to come back and give you a good beating." That is the whole story, the long and short of that statement. If we add to that the audacious and vulgar threats that Peking radio is using about their victories or illegal occupation of our territory there need be no misunderstanding or false expectations in our minds about what China is thinking; and what she intends to do. Therefore, Mr. Tyagi was perfectly right when he requested our friends on that side that all the amendments should be withdrawn and this very urgent and important Bill, brought in at a very critical hour of our national life and Indian history, should be allowed to pass unopposed, as we passed the resolution on Chinese aggression propounded by our Prime Minister.

Shri Shivaji Rao S. Deshmukh (Parbhani): Sir, while discussing section 3 of the Bill, at the outset I must

pay my humble tribute to the remarkably good piece of draftsmanship which the Law Ministry has shown in presenting this Bill before this House. Taking into consideration this particular factor that the Defence of India Ordinance, 1962 and the Defence of India (Amendment) Ordinance 1962 were issued at the gap of a few hours, the draftsmanship which they have exhibited deserves our praise and I take my hat off in appreciation of this remarkable piece of draftsmanship exhibited by the Law Ministry. I feel that the various amendments which have been submitted to clause 3, instead of improving upon it, may ultimately pollute the draftsmanship which we see in the present form of clause 3.

I am one with Mr. Tyagi when he requested the members who have moved amendments, "Please don't try to meddle with the impartial draftsmanship". Particularly when we have passed the two resolutions and when we have solemnly pledged ourselves that we will drive out the Chinese out of our sacred motherland however long the struggle may be, in the same spirit this Defence of India Bill has been submitted before the House by the Law Minister and I wish in the same spirit it should have been passed by this House.

It is no small statement that this Defence of India Bill should be termed as Defence of Democracy Bill, because it is the battle of democracy which we are fighting and not merely the battle of defence of India. Therefore, arming the Government with ample powers as given by section 3 is the least that is required. Not an ounce of more power has been called for by Government than is required by this emergency. Shri Kamath raised a technical objection that the Defence of India Ordinance 1962 and the Defence of India (Amendment) Ordinance, 1962 should have been replaced by separate Bills. It was a very fantastic proposition, because the ordinance is expected to be replaced by a Bill. Naturally the logical conclusion is that the Bill should replace the ordinance in its amended

form, because the second ordinance was not an independent ordinance conferring any special powers or altering any substantive law. It was merely correcting loopholes which were quite natural because of the hasty drafting. Therefore, it was rightly held by you that one Bill replacing the ordinance as amended by the amending ordinance would serve the purpose.

Out of the 48 sections which we have to discuss in the Defence of India Bill, section 3 is the heart of the Bill. The scheme of the Act itself is such that section 3 has been split into sub-sections (1) (2) and (3). Sub-section (2) contains the various powers from sub-clause (1) to (55). Sub-clause (25) of sub-section (2) has received the particular attention of my friends in the Swatantra Party. They were afraid that powers under sub-clause (25) may be misused by the Government to introduce cooperative farming. My humble submission with great respect to my friends of the Swatantra Party is that we are arming the Government not to encourage co-operative farming in this motherland, but to drive out the Chinese. This aggression of the Chinese has to be fought not only in the battlefield, but in the factories and fields. Everyone of the workers, working with the sweat of his brow, in the fields and factories is a soldier working for the defence of this country. When people are willingly surrendering what they have before the Government, Government merely seeks powers through clause 3 to control industry, agriculture, mines, roads, bridges, communications, postal articles, travelling, etc.

All these powers to say the least, are definitely the primary requirements, and it is certainly in this spirit that Clause 3 should have been welcomed by all, particular my communist friends also. We are not out to arrest any Communist. It is a sham to say that the Government is a party Government. The Government may have been elected on party tickets, but today the nation and the

[Shri Shivaji Rao S. Deshmukh]

Government have amalgamated into one, and the Government does not necessarily wish to arrest any Communist for the simple reason that he is a Communist. Certainly, the Government is not against any particular party.

I would, therefore, humbly say to the hon. Home Minister, who is present here, that this emergency Bill which they have brought before this House is in the interest of emergency itself and emergency requires that normal standards of arrests and curtailment of fundamental rights or freedom of liberty etc., should not be looked at from the point of view of rigid democratic requirements that are there in peace time. Even emergency requirements are such that entrusting these powers to the Government does not necessarily mean that one individual will exercise those powers. It will have to be exercised by the officers on the spot. Those officers will be guided by the information at their disposal. If the information at their disposal is lacking, we can very rightly apprehend that those powers are likely to be misused. But they are likely to be misused not with any *mala fide* intentions of the officers but because of the *bona fide* actions which the Government want them to take. It is because of this that we are giving powers under sub-clause (3) to protect the government officers who work under the government. While protecting these officers who work under the Government, the nation logically expects that the officers will not betray the powers which they are to exercise and will not tarnish the fair name of the Government simply by their acts of negligence. Therefore, I wish the House is one in conferring these powers on the officers and the Government by sub-clause 3.

But, while exercising these powers we should not leave this fact out of consideration, out of our mind, that these powers will have to be exercised on an emergency basis. These

powers and actions taken under the Defence of India Bill will also be on the emergency basis. Therefore, normal appreciation will be too much to expect.

The situation in which this Bill has come forth before this House has also to be borne in mind. The proclamation of emergency by the President has resulted in the suspension of articles 14, 19 and 21 of the Constitution. The powers which we are conferring on the Government by sub-clause (3) are much less compared to the suspension of articles 14, 19 and 21 of the Constitution. Therefore, to say that these powers have been claimed by the Government with a partisan attitude and with *mala fide* intentions of using it for furthering a particular party interest is a charge which in democracy no one will accept with smile. I wish, while leveling this charge, Members from both sides should have thought about this particular fundamental necessity, that this emergency Bill, this Defence of India Bill, has been necessitated because of the blatant aggression by a Communist power.

This aggression, Mr. Speaker, has been committed by a Communist power which, only in 1935, was not dabbed as a Communist party. The Peking radio, the Communist Party and the Communist Government are very much praising the Stalin line and are criticising Mr. Khrushchev because of his policy of leaving away Joseph Stalin. But the same Stalin has said that the Communist Party of China is a "small batch of land reformers". This batch of reformers who had nothing to swear by Marx, in their trek from Peking to Gobi Desert, were left with only two million or less than that out of five million. Only less than two million survived. This is a peasant army which sprung from the peasantry, and there is much strength in Mr. Frank Anthony's argument that the Chinese army and the Chinese leaders believe

that politics comes out of the barrel of a gun.

These powers are conferred on the Government to withstand and to protect the nation from aggression of that army of people who are quite devoid of the normal working of democracies, who have committed this aggression not merely with *mala fide* intentions but also because of their certain ideas about their boundaries and even their livelihood.

While discussing the Defence of India Bill, with your permission, I wish only to refer to certain remarks made by Professor Ranga. Not only about co-operative farming but the learned professor was pleased to state that he was not obliged to play to the gallery of Sahyadri. I wish to remind him that the gallery of Sahyadri and the gallery of Himadri are not different. They have merged together. If the Professor does not feel obliged to play to the gallery of Sahyadri, let him not play to the gallery of the star-spangled banner. He was kind enough to move an amendment that he was particularly thankful to the USA and the UK and insisted on that amendment to be put to the vote with the spirit that it was as if those persons who were voting against that amendment did not recognise the value of the arms aid received from the USA and the UK.

We are discussing this Bill under the shadow of the cease-fire. While speaking on the Bill Professor Ranga was pleased to state before agreeing to the cease-fire we must obtain the prior consent of our friends who have given us arms and ammunition. We are not prepared to surrender our sovereignty of the arms aid or for a few barrels of guns.

Mr. Speaker: The hon. Member must exercise restraint.

Shri Shivaji Rao S. Deshmukh: While also arming the Government with these emergency powers, Professor Ranga's another remark is very pertinent to note. He said that he

stands to welcome the missions from America and the UK which have recently come in connection with the arms aid. All these three instances taken together show the gallery he wants to play to. The nation certainly is not prepared to play to any gallery except to the gallery of Sahyadri or Himadri or to the gallery of the Indian Ocean which we want to defend.

These powers which we are conferring on the Government should not be sparingly used by the Government. My only request to the Home Ministry is that these powers and their use should not be controlled and appreciated by the normal peace-time working of the Government. I hope the Government would see to it that any person who is wanted to be behind the bars for the security of this nation must be behind the bars whatever be his status in society and whatever be the democratic position that he holds.

With this I wish that clause 3 should be passed unanimously and that all amendments should be withdrawn.

Mr. Speaker: The hon. Minister.

Shri Ranga: I thought, the hon. Minister was going to reply tomorrow. Was it not understood that the hon. Minister could be expected to speak tomorrow morning?

Mr. Speaker: It was rightly understood.

Shri Datar: Sir, I am obliged to hon. Members on both sides of the House for the general support that they have given to the provisions of the Defence of India Bill specially so far as the conferment of special powers is concerned.

Mr. Speaker: He might continue tomorrow.

18.43 hrs.

The Lok Sabha then adjourned till Twelve of the Clock on Tuesday, November 27, 1962/Agrahayana 6, 1884 (Saka).

[Monday, November 26, 1962/Agrahayana 5, 1885 (SAKA)]

COLUMNS

COLUMNS

CALLING ATTENTION TO
MATTER OF URGENT
PUBLIC IMPORTANCE . 3323-25

Shri Utiya called the attention of the Minister of Home Affairs to the cracker explosion near Delhi Cloth Mills, Delhi on the 22nd November, 1962.

The Minister of State for Home Affairs (Shri Datar) made a statement in regard thereto.

PAPERS LAID ON THE
TABLE 3325-26

The following papers were laid on the Table :—

(1) A copy each of the following Notifications under sub-section (2) of section 3 of the All-India Services Act, 1951 :—

(i) G.S.R. No. 1140 dated the 1st September, 1962, making certain further amendment to Schedule III to the Indian Administrative Service (Pay) Rules, 1954.

(ii) The Indian Police Service (Uniform) Amendment Rules, 1962, published in Notification No. G.S.R. 1423, dated the 3rd November, 1962.

(2) A copy each of the following papers :—

(i) The Employees' Provident Funds, (Tenth Amendment) Scheme, 1962, published in Notification No. G.S.R. 1501, dated the 10th November, 1962, under sub-section (2) of section 7 of the Employees' Provident Funds Act, 1952.

PAPERS LAID ON THE
TABLE *contd.*

(ii) The Minimum Wages (Central) Second Amendment Rules, 1962, published in Notification No. G. S. R. 1542, dated the 17th November, 1962, under section 30A of the Minimum Wages Act, 1948.

MESSAGE FROM RAJYA
SABHA

3327

Secretary reported a message from Rajya Sabha that at its sitting held on the 23rd November, 1962, Rajya Sabha had agreed without any amendment to the Customs Bill, 1961, passed by Lok Sabha on the 21st November, 1962.

BILL INTRODUCED 3327

The Manipur (Sales of Motor Spirit and Lubricants) Taxation Bill, 1962.

BILL UNDER CONSIDERA-
TION 3337-3512

Further discussion on the motion to consider the Defence of India Bill was concluded. The motion was adopted. The clause-by-clause consideration was taken up but not concluded.

AGENDA FOR TUESDAY,
NOVEMBER 27, 1962/AG-
RAHAYANA 6, 1884 (SAKA)

Clause-by-clause consideration of the Defence of India Bill and passing of the Bill, and discussion on the Motion *re* : Fixation of price of sugarcane.