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Wednesday, December 18, 1963
Agrahayana 27, 1885 (Saka)

LOK SABHA DEBATES

**Sixth Session
(Third Lok Sabha)**



LOK SABHA SECRETARIAT
New Delhi

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LOK SABHA

Wednesday, December 18, 1963/
Agrahayana 27, 1885 (Saka)

The Lok Sabha met at Eleven of the
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Budding Scientists

*634. Shri Yashpal Singh: Will the Minister of Education be pleased to state:

(a) whether a scheme to spot budding scientists has been drawn up by Delhi Administration;

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

(c) whether the scheme is proposed to be extended to other States and Union Territories?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) The Delhi Administration have not drawn up any such scheme but a scheme known as 'Science Talent Search' is under operation by the National Council of Educational Research and Training;

(b) The scheme aims at identifying promising students, at secondary stage, with high scientific talent and helping them with scholarships to pursue higher courses in basic sciences;

(c) Yes, Sir.

1834 (Ai) LSD—1.

श्री यशपाल सिंह : क्या यह सही है कि दिल्ली में इस तरह का कोई टैस्ट लिया गया था और उन लड़कों को वजीफे दिये गए हैं ?

श्री भक्त दर्शन : जी हां । यह योजना वैसे तो सारे देश के लिये स्वीकृत की गई थी लेकिन परीक्षण के तौर पर पहले इस को दिल्ली में प्रारम्भ किया गया और इस वर्ष ३० अप्रैल १९६३ को एक परीक्षा दिल्ली में ली गई थी उसमें लगभग ४०० विद्यार्थियों ने भाग लिया, जिन में कि १७ विद्यार्थी छाटे गये, लेकिन अन्त में केवल ४ विद्यार्थी ही उससे लाभ उठा सके क्योंकि कुछ इंजीनियरिंग कालिज में चले गये और कुछ को दूसरी छात्रवृत्तियां मिलती थीं । इस तरह से इस वर्ष इसे दिल्ली में प्रारम्भ किया जा चुका है ।

श्री यशपाल सिंह : अखिल भारतीय स्तर पर कब यह परीक्षण शुरू होंगे और उनमें कुल क्या स्कालरशिप्स में कितना दिया जायगा ?

श्री भक्त दर्शन : श्रीमन्, यह निश्चय किया गया है कि अगली फरवरी में सारे देश के प्रत्येक जिले में एक केन्द्र ऐसा हो जिसमें इस तरह की परीक्षाएँ ली जायें । उनके लिये ३५० छात्रवृत्तियां रक्षी गई हैं । राज्य सरकारों और जिला विद्यालय निरीक्षकों अर्थात्, डिस्ट्रिक्ट इंस्पेक्टर आफ स्कूल्स को सरकुलर भेज दिये गये हैं । इस स्कीम पर कुल ७.२२ लाख रुपये खर्च होने की आशा है ।

Shri Hari Vishnu Kamath: Does Government maintain a register of science students, of these promising scientists as he calls them, who have been granted government scholarships for study abroad and who have done their studies with those scholarships but who have refused to come home because of certain conditions prevailing in our country and certain favourable conditions prevailing abroad; and, if so, what action has been taken to bring those budding, promising, scientists back home?

Shri Bhakt Darshan: If I may submit, Sir, this does not arise out of the question.

Mr. Speaker: I entirely agree.

Shri Hari Vishnu Kamath: Scholarships for students.

Mr. Speaker: I may at the beginning say that I have requested hon. Members again and again to make their supplementaries brief and short. If I may be excused for saying so—of course, there are no ladies here who wear skirts—the supplementaries must be like the skirt of a lady, only long enough to cover the subject but yet short to remain entertaining. If it is too long.... (Inter-ruption).

Shri Hari Vishnu Kamath: There are no skirts here.

Mr. Speaker: Shri Saraf.

Shri Sham Lal Saraf: May I know if any attempt has been made or is being made to spot out promising scientists as soon as they are out of the universities, subject-wise, to enable them to take up post-graduate scholarships?

Shri Bhakt Darshan: The question of the hon. Member is quite different. This scheme is concerned only with the higher secondary stage from where the students go to the university.

Shri Vishram Prasad: May I know what will be the criteria of the exam-

ination and the branches of science for the award of these scholarships, and what will be the amount?

Shri Bhakt Darshan: Sir, it will be confined to general sciences, and there will be a regular examination throughout the country, and, on the basis of results of that examination, about 350 students will be selected.

Shri Kapur Singh: May I know if the Government are aware of the case of a certain "Hansraj Wireless" who was universally acclaimed as a budding scientist during the thirties of this century, and everything was done to mature his talents, but he never flowered; and, if so, whether Government will draw any lessons from it?

Shri Bhakt Darshan: Sir, Shri "Hansraj Wireless" was not a budding scientist; he was a fully-flowered scientist.

Shri D. C. Sharma: The problem is to find out scientists who can become inventors. May I know if the examination which will take place will be such as will discover the talents for inventiveness which the young may have?

Shri Bhakt Darshan: The purpose of this scheme is rather restricted. The scheme regarding the science talent search aims at stimulating scientific talent among the secondary-school students by competitive process and recognition of merit by according scholarships to the best candidates for pursuing science courses for the bachelor's degree. It is a restricted scheme.

Three Grade System for University Teachers

*635. **Shri Bhagwat Jha Azad:** Will the Minister of Education be pleased to state:

(a) whether all the State Governments have accepted the recom-

mendation of the University Grants Commission of three grade system for university teachers; and

(b) if not, which State Governments have not accepted?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) and (b). None of the State Governments has so far written to the University Grants Commission against the introduction of the three grade system recommended by the Commission.

26 Universities in the following States have introduced or agreed to introduce this system:

Andhra Pradesh, Assam, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Punjab, Rajasthan, Uttar Pradesh and West Bengal.

श्री भागवत मा आजाद : क्या सरकार द्वारा इसके वित्तीय पहलू पर भी विचार किया गया है, यदि हाँ, तो विभिन्न राज्य सरकारों को इस संबंध में कितनी अतिरिक्त धनराशि की व्यवस्था करनी होगी ?

श्री भक्त दर्शन : श्रीमन्, मेरे पास इस के आंकड़े तो नहीं हैं कि कुल कितने रुपये की आवश्यकता है, लेकिन युनिवर्सिटी ग्रांट्स कमिशन ने इस बात का आश्वासन दिया है कि यह जो वेतनक्रम बढ़ाये जायेंगे और इन से जो अतिरिक्त खर्चा होगा उसका ८० प्रतिशत केन्द्रीय सरकार की ओर से दिया जायगा ।

श्री भागवत मा आजाद : क्या इस आश्वासन के बाद जिन राज्यों ने इसे स्वीकार कर लिया है उनमें से किसी में अब तक इस स्कीम को लागू भी कर दिया गया है ?

श्री भक्त दर्शन : जी हाँ, मैंने बताया कि २६ विश्वविद्यालयों ने इसे स्वीकार कर लिया है और उनमें से अधिकांश में लागू भी कर दिया गया है और शेष में इस पर विचार किया जा रहा है ।

श्री सिद्धेश्वर प्रसाद : अभी माननीय मंत्री ने बताया कि विश्वविद्यालय अनुदान आयोग ने ८० प्रतिशत धनराशि देने का निश्चय किया है लेकिन क्या यह सच नहीं है कि यह धनराशि तृतीय पंचवर्षीय योजना काल में दी जायगी और उसके आगे जो विश्वविद्यालय इस वेतनक्रम को लागू करेंगे वे उसे किस प्रकार से लागू करेंगे और उस के लिये सरकार कितनी वित्तीय सहायता देने जा रही है ?

श्री भक्त दर्शन : इस समय मेरे पास इसकी निश्चित जानकारी नहीं है लेकिन मैं आशा करता हूँ कि आगे भी इस क्रम को जारी रखा जायगा ।

Shrimati Savitri Nigam: May I know how many universities have drawn the money from the University Grants Commission so far, and what is the amount?

Shri Bhakt Darshan: I am sorry Sir, that I have not got the exact information just now.

Shri Vasudevan Nair: Is the Government aware that quite a large number of university teachers are working in the private college in many of these universities; and may I know whether they really get the benefit of this recommendation of the University Grants Commission or whether only the teachers who are directly working under the universities get this benefit?

Shri Bhakt Darshan: I think I will have to look into this question. I cannot reply off-hand.

U.P.-Bihar Border Dispute

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*636. { Shri Prakash Vir Shastri:
Shri R. G. Dubey:
Shri Sarjoo Pandey:
Shri Mohan Swarup:
Shri Vishwa Nath Pandey:

Will the Minister of Home Affairs be pleased to refer to the reply given

to Unstarred Question No. 164 on the 14th August, 1963 and state the up-to-date progress made in regard to the settlement of the border dispute between Uttar Pradesh and Bihar?

The Minister of State in the Ministry of Home Affairs (Shri Hajar-navis): Shri Trivedi is in correspondence with the Uttar Pradesh and Bihar Governments on the subject. He has visited both Bihar and U.P. and seen some of the disputed areas and met the people there. He intends to visit the disputed areas in U.P. and Bihar again.

श्री प्रकाशवीर शास्त्री : क्या मैं जान सकता हूँ कि अब तक कौन सी विवादग्रस्त बातें इस प्रकार की रही हैं जिन पर कि निर्णय नहीं लिया जा सका है और यह प्रश्न इतना लम्बा हो रहा है ?

श्री हजरनवीस : जैसाकि माननीय सदस्य जानते हैं कि यह पंच निर्णय है। पंच निर्णय आखिरी निर्णय होता है। पंच को सब बातों का ख्याल कर के अपना आखिरी निर्णय ही देना है। बीच में कोई अन्तरिम निर्णय नहीं होना है।

श्री प्रकाशवीर शास्त्री : क्या मैं जान सकता हूँ कि उत्तर प्रदेश और बिहार सीमा विवाद का निर्णय करने के लिये प्रधान मंत्री को मध्यस्थ बनाया गया था, यदि हां, तो क्या प्रधान मंत्री ने उस दायित्व को लेने से निषेध कर दिया है जिससे कि श्री त्रिवेदी को यह काम सौंपा गया है ?

श्री हजरनवीस : प्रधान मंत्री जी की राय से ही यह मामला पंच निर्णय के लिये ग

श्री शिव नारायण : इस उत्तर प्रदेश-बिहार सीमा विवाद में दोनों तरफ से कौन कौन से मेम्बरस हैं ?

श्री हजरनवीस : अकेले त्रिवेदी जी है।

श्री विभूति मिश्र : अध्यक्ष महोदय, क्या यह सही है कि जिस स्थान के बारे में इन दो प्रदेशों में झगड़ा है, वह गंगा नदी के किनारे की रेत की जमीन का झगड़ा है और इसी लिये यह विवाद जल्दी से हल नहीं हो रहा है ?

अध्यक्ष महोदय : क्या सब रेत पर ही झगड़ रहे हैं ?

श्री सरजू पांडेय : विवादग्रस्त क्षेत्र में हजारों एकड़ जमीन परती पड़ी हुई है और यह विवाद हल न होने के कारण वहां पर रोजाना लाठियां चलती हैं। मैं यह जानना चाहता हूँ कि क्या सरकार कोई फौरी कदम उठा रही है कि वे झगड़े जल्दी निपटा दिये जायें, क्योंकि इस विवाद का निर्णय तो बहुत देर में होगा।

श्री हजरनवीस : यह कहा गया है कि निर्णय जल्दी से जल्दी हो जायगा। उम्मीद है कि जून-जुलाई, १९६४ तक इसका फैसला हो जायेगा।

Shri Kapur Singh: I would ask the Home Minister whether Government have sensed the growing tendency in this country of state demarcations being regarded as boundaries of incipient sovereign States, and if so, what Government propose to do in the interests of national integration menaced thereby?

The Minister of Home Affairs (Shri Nanda): We certainly would endeavour to create a climate of opinion that small things should not be exaggerated out of all proportion. But wherever a dispute arises, steps will have to be taken to see that it is resolved.

Shri Hari Vishnu Kamath: Within two years.

श्री विभाम प्रसाद : क्या सरकार को इसमें बहुत मजा आता है कि इन दो राज्यों को आपस में लड़ाया जाये और इस मामले को

बहुत दिनों तक पेंडिंग रखा जाये ? मैं यह जानना चाहता हूँ कि सरकार यह अंग्रेजों की डिवाइड एंड रूल की पालिसी कब तक अपनाती रहेगी ?

Mr. Speaker: No answer need be given to this question.

श्री तुलशीदास जाधव : मैं यह जानना चाहता हूँ कि यू० पी० और बिहार के बीच जिस प्रकार बार्डर का झगड़ा है, हिन्दुस्तान में जहाँ जहाँ ऐसे बार्डर के झगड़े हैं, क्या उन को निपटाने के लिये कोई कमेटी मुकर्रर की जायेगी ।

Shri Nanda: Each case has to be dealt with.

संघ लोक सेवा आयोग की परीक्षाओं में हिन्दी को माध्यम बनाना;

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श्री प्रकाशवीर शास्त्री :
श्री म० ला० द्विवेदी :
श्री रामचन्द्र उलाका :
*६३७. श्री नि० रं० लास्कर :
श्री धूलेश्वर मोना :
श्रीमती सावित्री निगम :
श्री विभूति मिश्र :

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

(क) संघ लोक सेवा आयोग की परीक्षाओं में हिन्दी को माध्यम बनाने में क्या कोई और प्रगति हुई है ; और

(ख) इसको व्यवहार में कब तक लाने की आशा है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरनवीस) : (क) और (ख). यह सारा मामला विचाराधीन है । मामले को अन्तिम रूप देने पर हिन्दी को लागू करने की तिथि घोषित कर दी जायेगी ।

[(a) and (b). The entire question is under consideration. As soon as the matter is finalised, the date from

which Hindi will be introduced will be announced.]

श्री प्रकाशवीर शास्त्री : सरकार अपना यह घिसा-पिटा उत्तर कई वर्षों से एक ही रूप में निरन्तर देती आ रही है । मैं यह जानना चाहता हूँ कि मंत्रि-मंडल को सर्व-सम्मत निर्णय हो जाने के पश्चात्, और राष्ट्रपति जी के आदेश हो जाने के पश्चात् भी अभी तक इस संबंध में निर्णय क्यों नहीं लिया जा सका ।

श्री हजरनवीस : जैसा कि मैं पहले कह चुका हूँ, इसमें कई पेचीदा सवाल हैं । एक सवाल यह है कि यदि दो माध्यम से परीक्षा ली जायेगी, तो उनका पारस्परिक मूल्यांकन कैसे होगा, अर्थात्, कुछ उत्तर हिन्दी माध्यम से दिये जायेंगे और कुछ उत्तर अंग्रेजी माध्यम से दिये जायेंगे, तो उनका पारस्परिक मूल्यांकन कैसे होगा । यह प्रश्न विचाराधीन है ।

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, मंत्री महोदय ने अभी जो उत्तर दिया है, उसके संबंध में मैं यह जानना चाहता हूँ कि जब केन्द्रीय मंत्रिमंडल ने इस संबंध में सर्व-सम्मत से निर्णय किया था और राष्ट्रपति जी ने भी अपना आदेश दे दिया था, तो जो कठिनाई वह आज बता रहे हैं, क्या उस समय इस पर विचार नहीं किया गया था, जो इतने वर्षों के बाद यह युक्ति दी जा रही है ।

गृह-कार्य मंत्री (श्री नन्दा) : जहाँ तक मैं इसको देख सका हूँ, इस वक्त यह स्थिति है कि यह बातचीत हो रही है, यू० पी० एस० सी० के साथ पत्र-व्यवहार हो रहा है । इवैल्युएशन का एक यूनिफार्म बेसिस हो और हिन्दी मीडियम में परीक्षा देने वालों को क्या सुविधायें दी जायें और इसके लिये क्या इन्तजाम किया जाये, इस बारे में बातचीत हो रही है । जब इस का कुछ नतीजा

निकलेगा, तो उस वक्त इस बारे में फैसला होगा ।

डा० गोविन्द दास : क्या यह बात सही नहीं है कि जिस समय स्वर्गीय पन्त जी हमारे गृह मंत्री थे और उसके बाद जब श्री लाल बहादुर शास्त्री गृह मंत्री हुए, तो पन्त जी और शास्त्री जी ने केन्द्रीय मंत्रिमंडल के सर्व-सम्मत निर्णय की घोषणा यहां पर की और यह भी कहा कि सन्, १९६३ से यह कार्य कर दिया जायेगा ? मैं यह जानना चाहता हूं कि इस प्रकार से एक सर्व-सम्मत निर्णय होने के बाद और दो दो गृह मंत्रियों द्वारा यह घोषणा कर देने के बाद कि १९६३ के बाद यह व्यवस्था लागू हो जायेगी, इसको कार्य रूप में परिणत क्यों नहीं किया गया है ।

श्री नन्दा : मेरे पास श्री लाल बहादुर शास्त्री जी का एक जवाब है, जो कि उन्होंने २७ मार्च, १९६३ को दिया । जो सवाल अब माननीय सदस्य ने पूछा है, उसके बारे में उन्होंने यह कहा था :

"As to when it will be done, I hope it will be decided very soon."

इसका मतलब यह है कि उस वक्त उन्होंने

~~कोई~~ स्पेसिफिक जवाब नहीं दिया ।

(Interruptions) मैं कह रहा था कि इसकी कोई निश्चित तिथि फिक्स नहीं हुई थी कि अब कहा जाए कि अब क्यों इसको आगे बढ़ाया जा रहा है ।

Shri P. Venkatasubbaiah: May I know whether while taking a decision to hold the UPSC examinations in Hindi, sufficient safeguards and protection will be given to the people from the non-Hindi-speaking areas, so that their claims may not be jeopardised by those from the Hindi-speaking areas?

Shri Nanda: The question raised by the hon. Member is linked up with the answer given earlier as to evolving a uniform basis for evaluation, so that there may be no disadvantage to either the one or the other.

Shri Karuthiruman: May I know whether there is any proposal that the UPSC examinations may be answered in any of the fourteen languages mentioned in our Constitution?

Shri Nanda: No.

Mr. Speaker: Shri P. C. Borooah.

Shrimati Savitri Nigam: Sir, . .

Mr. Speaker: I said only yesterday that an hon. Member who began to speak before I had identified him or her would not catch my eye.

Shri Warior: She wants only to catch your ears and not the eye.

Shri P. C. Borooah: Since Hindi is spoken in a different manner in different areas, may I know whether any scheme has been framed by Government to standardise the Hindi, so that the students sitting for the UPSC examinations can take their examinations easily?

Shri Nanda: This will be a part of the arrangements in relation to the provision of certain facilities and in order to enable those who will exercise the option in respect of Hindi, so that they are not placed at a disadvantage in making an effective use of that option.

Shri P. C. Borooah: My question has not been answered. Hindi is spoken in a different manner in different areas. May I know in what type of Hindi the candidates will be examined? Will there be a standardised Hindi?

Shri Nanda: Of course, the friends who know more about Hindi than I do will be able to give a better answer, but as far as I know, so far as the use of Hindi for these purposes is concerned, I do not think there are any large variations.

Shrimati Savitri Nigam: There may be some difficulty in making the Hindi medium as a possibility in the UPSC examinations. May I know what diffi-

culty Government are facing in making Hindi as one of the subjects for the UPSC examination?

Shri Nanda: It is.

Shri Hajarnavis: It already is.

श्री सरजू पाण्डेय : उत्तर प्रदेश में ग्राम तौर से पढ़ाई का माध्यम हिन्दी है और इन्तहान अंग्रेजी में होता है, जिसका परिणाम यह होता है कि ग्राम तौर से लड़के अंग्रेजी में फेल होते हैं, ज्यादातर लड़के अंग्रेजी में पास नहीं होते हैं। मैं यह जानना चाहता हूँ कि विद्यार्थियों की इस कठिनाई को देखते हुए क्या सरकार इस बारे में कोई कदम जल्दी उठाएगी ?

श्री हजरतबीस : सरकार का इरादा जल्दी से जल्दी कदम उठाने का है।

Shri Warrior: When this introduction of Hindi as the medium is given effect to, will all the subjects be dealt with only in Hindi, or will English also be there?

Shri Nanda: This is a matter in question whether the option should apply throughout or should be only selective.

Shri Kapur Singh: Is it true that that the candidates from the Hindi-speaking areas now show comparatively poor results before the UPSC, and if so, may I know whether this proposal for Hindi medium has something to do with this phenomenon?

Shri Hajarnavis: No. I do not think that the candidates from any particular area fare better than others.

Shri Tyagi: I understand from the answer of the hon. Minister that the Cabinet had taken a unanimous decision, after examining the pros and cons, I do not want to dilate on it any further, but the hon. Minister has said that the matter is still under active consideration.

Mr. Speaker: Order, order. The question should be simple and straight.

Shri Tyagi: He has also added that a decision will be arrived at soon. I want to know what the ministerial active consideration is which is going on still? Why has it taken so much time? It is already four years. The term 'very soon' does not mean four years. What are the matters under consideration? What special matter is under consideration? Is the very policy going to be reconsidered?

Shri Nanda: No, the policy is not at all under consideration; it is a settled policy. What is under consideration is what I said just a little while ago. I might refer to that part of Shri L. B. Shastri's answer which has a bearing on it:

"The Committee which was set up, on the basis of whose recommendations, the presidential order was issued wanted that hurried action should not be taken. They had suggested that it should be agreed to but implemented at the appropriate time. We felt that we should not take some steps immediately. We do not propose to take action on the basis of those recommendations".

The idea was that it might take a certain amount of time. I for my part have been looking into this matter recently and I am also in touch with all the other friends interested in the propagation of Hindi. We shall sit together and try to find a way as soon as possible.

Anti-Corruption Committee

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Shri Harish Chandra Mathur:

Shri B. P. Yadava:

Shri Bishanchander Seth:

Shri Dhaon:

Shri Prakash Vir Shastri:

Shri R. G. Dubey:

Shri Vishram Prasad:

Dr. L. M. Singhlvi:

*638. { **Shri P. C. Borooah:**

Shri M. N. Swamy:

Shri Umamath:

Shri D. C. Sharma:

Shrimati Renu

Chakravarty

Shri Jashvant Mehta:

Shri E. Madhusudan Rao:

Shri Anjanappa:

Shri Sidheshwar Prasad:

Shri Bibhuti Mishra:

Shri N. R. Laskar:

Shri Ramachandra Ulaka:

Shri H. C. Soy:

Shri Hari Vishnu Kamath:

Will the Minister of Home Affairs be pleased to state:

(a) the further action taken on the recommendations of the Anti-Corruption Committee; and

(b) what other measures are being contemplated to fight corruption particularly at top levels?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):

(a) Government have decided to set up a Central Vigilance Commission to effectively deal with the problem of corruption and maintenance of integrity in the public services. A statement on the subject has already been laid on the Table of the House.

(b) Government are awaiting the further recommendations of the Committee, and are also themselves giving thought to the problem of corruption in the administration.

Shri Harish Chandra Mathur: Does the hon. Minister realise that there can be no clean administration until and unless those in political authority have a clean life and enforce cleanliness? May I know whether this aspect has been examined? If so, what steps have Government taken or propose to take in the matter?

Shri Nanda: I agree with the hon. Member entirely. I can appreciate that until this idea of integrity and clean administration extends to the top—really it should begin at the top—other things cannot follow. Therefore, that matter also is being dealt with.

Shri Harish Chandra Mathur: Do I take it that the Central Vigilance Commissioner will be an executive under the Central Government appointed at the discretion of the Home Minister with the status of Secretaries and with the same instruments under him? If so, how will he be more effective than all the two dozen Secretaries put together?

Shri Nanda: The appointment has to be made of a suitable person who will never be prepared to sacrifice his independence. This applies to the various other positions where the Government appoints. The independence of that authority is guaranteed even under the Constitution in the case of so many posts which are filled by Government. After the appointment, the question of that authority being in any way subservient is totally precluded by ensuring independence for that authority in terms of the law and the Constitution.

Shri Swell: According to the paper laid by the Home Minister on the Table three days ago, the Central Vigilance Commissioner will be appointed by the Home Ministry, whereas there has been a discussion in this House and the view expressed that the Vigilance Commissioner should be appointed by Parliament and should be responsible to it. Will the Home Minister kindly spell out the reasons for his inability to accept the idea of a Commissioner appointed by Parliament?

Mr. Speaker: He is arguing.

Shri Nanda: I do not know to what recommendation the hon. Member refers. I do not think there is any such recommendation.

Shri Harish Chandra Mathur: This matter has been discussed in the House a number of times. He is referring to a proposal regarding the appointment of a Parliamentary Commissioner for investigation, as has been done in many countries, and

very recently in New Zealand. That is the idea.

Shri Nanda: That idea may be there. After full consideration of what will meet the needs of the situation here, this has been done. That has been thought of and this is the decision.

Shri Ramanathan Chettiar: Will the Commission be patterned and will function as the Ombudsman in Sweden?

Shri Nanda: I know something about the Ombudsman. What the concept is has been described in the paper laid on the Table.

Shri Bhagwat Jha Azad: In case the Commissioner finds himself unable to investigate the conduct of top officers with the help of persons drawn from the same administration, will he have the power to appoint persons from outside to investigate?

Shri Nanda: This Commission, whether of one person or more, has the fullest authority to use all kinds of instruments for the purpose of investigations. On any information that is received, they can order either the Ministry or the Investigation Bureau to carry on with the inquiry. They can use any other method or any other agency for this purpose.

श्री प्रकाशवीर शास्त्री : माननीय गृह मंत्री जी ने दिल्ली में ही नहीं देश के एक दो अन्य स्थानों पर भी अधिकारपूर्वक जो यह घोषणा की है कि दो वर्ष में मैं भ्रष्टाचार को समाप्त कर दूंगा या फिर राज नीतिक जीवन से रिटायर हो जाऊंगा, तो मैं जानना चाहता हूं कि क्या केवल इसी कमेटी के आधार पर की है या कोई और भी योजना उनके मस्तिष्क में है ?

Shri Kapur Singh: That is not fair to the Home Minister.

श्री नन्दा : मुझे खुशी है कि इस तरह का यह सवाल पूछ लिया गया है

अध्यक्ष महोदय : जो व्यान दिया है उसको तो मैं नहीं चाहता यहां पोट किया जाए बाकी जो कुछ वह कहना चाहते हैं कहें ।

श्री नन्दा : जो कुछ मैं कहीं भी एश्योरेंस दिया है या कहा है, मैं कहना चाहता हूं कि आई स्टैंड बाई माई एश्योरेंसिस । विजिलेंस कमिशन के आधार पर ही सब कुछ हो जाने वाला हो ऐसी बात नहीं है । उसके साथ ही बीसियों और चीजें करनी पड़ेंगी और उनमें से कुछ स्टेप्स लिये भी जा रहे हैं और कुछ लेने भी पड़ेंगे । इसमें सबके सहयोग की जरूरत पड़ेगी ।

Shri Hem Barua: In view of the fact that the hon. Prime Minister has made a statement recently to the effect that corruption exists in the country but not on the scale thought of, may I know whether Government have examined the possible depressing effect of statements of this sort in our fight against corruption?

Shri Nanda: I cannot follow the import of the question, whether he wants to ascertain whether corruption exists, whether we are exaggerating it or whether we are minimising it. Whatever statements have been made, I think there is corruption on a fairly large scale. That is why all these steps have been taken. Though it will not be possible to eradicate it completely in the sense that everybody is coming to be made pure and honest, a striking visible impression on the problem can be made. That was what was said.

Shri Hem Barua: I am referring to what the Prime Minister said, not what the hon. Minister said.

Mr. Speaker: That is all right.

Shri Jashvant Mehta: It is stated that the decision has been to root out corruption. What is the objection to Government appointing an inde-

pendent authority like the Ombudsman instead of a Vigilance Commissioner who will be appointed by Government and will function in an advisory capacity like the UPSC? What will be the nature of independence of this authority? Will he be responsible to Parliament or to the Government?

Shri Nanda: I hope Members will feel satisfied about the independence of the person who is going to be appointed when they know that the report is going to be placed before Parliament periodically, and if in any case the recommendations of that Commission are not accepted—in any single case—that will be discussed in Parliament. Therefore, Government is answerable for all these things. That is a sufficient safeguard to ensure its independence.

Shri Jashvant Mehta: My question has not been replied to, whether he will be responsible to Parliament.

Shri Nanda: I have given the answer.

Mr. Speaker: It could not be allowed. That was entering into argument and not eliciting information.

श्री विभूति मिश्र : विजिलेंस कमिशन की घोषणा के बाद कौन कौन सी राजनीतिक पार्टियों ने, कौन कौन सी समाज सेवक संस्थाओं ने तथा दूसरों में से किन किन ने आश्वासन दिया है कि वे इस काम में आपको पूरा सहयोग देंगे ?

श्री नन्दा : उनको पूछ लिया जाये, साहब ।

Unitary University

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- *639. { **Shri Subodh Hansda:**
Shri S. C. Samanta:
Dr. P. N. Khan:
Shri M. L. Dwivedi:

Will the Minister of Education be pleased to state:

(a) the States which have unitary universities at present;

(b) the manner in which these universities are helped by Government; and

(c) whether the terms and conditions are the same as in regard to the other Universities in the matter of grants?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) Bihar, Gujarat, Madras, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal.

(b) and (c). The University Grants Commission makes no distinction in giving financial assistance to the various types of Universities, except that in the case of Central Universities, the grants for approved development schemes are paid on hundred per cent basis, whereas in the case of State Universities the grants for similar schemes are paid on a sharing basis, subject to a ceiling prescribed for each scheme.

In the case of Central Universities, maintenance grants are also paid on hundred per cent basis.

The State Governments provide assistance to the State Universities for maintenance and development in such manner as may be prescribed by the Government concerned in each case.

Shri Subodh Hansda: The hon. Minister stated that there were two types of universities, some responsible to the States and some to the Centre. Is there any Government machinery to check up actual utilisation of the grants given to the universities which are responsible to the States?

Shri Bhakt Darshan: Yes, Sir; periodical audits are conducted and the accounts are submitted to the UGC.

Shri Subodh Hansda: Are the management of the State Universities satisfactory and, if so, would the Government encourage the establishment of State Universities?

Shri Bhakt Darshan: If there is any proposal in that connection it will be considered.

Shri Biswanath Roy: In view of the high standard of education in the Unitary Universities like that of Allahabad, may I know whether the Government propose to give any special grants for encouraging those universities?

Shri Bhakt Darshan: I do not think the question of any special grant arises but every suggestion will be considered.

Shri Warrior: May I know whether the universities which are not unitary but federal universities are not going to get these grants?

Shri Bhakt Darshan: I think the hon. Member has not listened attentively to my reply to the original question. The only difference is this. In the case of Central Universities, 100 per cent expenditure is met; for the others it is on a matching basis. I do not think there is any basic difference between a unitary and a federal university in this respect.

Shri Swell: The UGC has recommended that it is desirable to have one federal or unitary university in each State. May I know the special features of this type of university and also whether the Government intends to pursue the question so that each State has its own unitary university?

Shri Bhakt Darshan: This suggestion has been made rather recently. I am sorry that I have not got the details with me just now.

Gas Grids

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- *640. { **Shri P. C. Borooah:**
Shri Ramachandra Ulaka:
Shri N. E. Laskar:
Shri Dhuleshwar Meena:
Shrimati Savitri Nigam:

Will the Minister of Education be pleased to refer to the reply given to

Starred Question No. 626 on the 11th September, 1963 and state:

(a) whether the Central Fuel Research Institute has since drawn out a scheme for establishing gas grids in thickly populated and industrially developed areas;

(b) if so, the broad outlines of the scheme; and

(c) if not, when such scheme is expected to be ready?

The Deputy Minister in the Ministry of Education (Dr. M. M. Das): (a) Yes, Sir. A draft Plan for the supply of domestic fuel gas for major urban townships has been prepared by the Institute.

(b) The plan, which will now be considered by the Expert Committee, envisages the creation of nine zones for production and distribution of domestic fuel gas.

(c) Does not arise.

Shri P. C. Borooah: At what stage does the study stand at present and on what pattern is the study being undertaken?

Dr. M. M. Das: The plan that has been prepared is not the final plan. It will be submitted to the expert committee and the expert committee after due consideration of this plan will come out with a final plan. The experts will have to consider this question and their consideration will be based on the different sources of fuel gas.

Shri P. C. Borooah: What are the main sources of this gas and what is the quantity that is going to be distributed?

Dr. M. M. Das: There are four main sources: natural gas, gas from coal, gas from petroleum or oil and gas from naphtha.

Shrimati Savitri Nigam: May I know whether this scheme will also include the utilisation of excess gas in various industrial undertakings, burnt or wasted at the moment?

Dr. M. M. Das: This is not the final plan. All these questions including the one suggested by the hon. lady Member will be considered in due course.

Shri Sham Lal Saraf: What part of the country will it cover, mostly urban areas or rural areas also?

Dr. M. M. Das: The present scheme does not envisage the inclusion of the rural areas but only of highly populated areas. The minimum condition is that the town must have more than one lakh population according to 1961 census.

Shri Vishram Prasad: Will it be cheaper than coal and wood or will it be costlier?

Dr. M. M. Das: The scheme has not yet been finalised; no costing has been done.

Phyto-Chemical Plant in Kerala

- *641. {
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 Shri Warrior;
 Shri Koya;
 Shri Ramachandra Ulaka;
 Shri N. R. Laskar;
 Shri Dhuleshwar Meena;
 Shrimati Savitri Nigam;
 Shri Vasudevan Nair;
 Dr. L. M. Singhvi;

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether any final decision has been taken regarding the setting up of the Phyto-chemical Plant in Kerala with Soviet aid; and

(b) if so, the nature of decision taken?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) No. Sir.

(b) Does not arise.

Shri Warrior: May I know whether the plan has finally been disposed of as uneconomic?

Shri Humayun Kabir: The whole plan has to be drastically remodelled. When we worked out the old plan, it was found to be unpractical and therefore we have now asked the Directors of the Indian Drugs and Pharmaceuticals Limited to go into the whole question to see if we can establish a plant based on indigenous processes.

Shri Warrior: Last time when we asked, we were given the same answer. How long has it remained with the Government and when is a final decision to be taken?

Shri Humayun Kabir: It obviously takes time to find out new processes. At first the Soviet experts suggested that they may be able to offer an alternative method and we wrote to them on 13th August 1962. They suggested that it would take a long time, at least a year or more to devise some new process. Then it was found that the whole basis of the scheme required remodelling and on the 2nd August 1963 we asked the Indian Drugs and Pharmaceuticals to go ahead on their own, and we must give them at least a year to devise a scheme.

Shri P. Kunhan: Is there any proposal to shift the plant from Nerla-mangalam to Alleppey?

Shri Humayun Kabir: The whole scheme is under examination; the question of shifting from one place to another does not arise.

Shri Vasudevan Nair: Can the Government say that this project will ultimately come into being and it will not be rejected out of hand?

Shri Humayun Kabir: It will depend upon the economics. The original process would give us caffeine at Rs. 1 lakh per ton whereas its imported cost is Rs. 18,000 and the Bengal Chemical and Pharmaceuticals in India manufacture and sell at Rs. 50,000 per ton. Unless the economics are properly worked out, I cannot give any assurance.

Shri Nambiar: Was this scheme given up because the Kannan and

Devan tea planters refused to give sufficient tea leaves?

Shri Humayun Kabir: No, Sir; not because of that. It was found that for making 60 tons of caffeine—an economic unit—we would need about 15,000 tons of top tea prunings, at a cost of Rs. 100 per ton. The cost would be something like a lakh of rupees per ton which would be prohibitive.

Shrimati Savitri Nigam: Why were the economics not worked out before bringing the plant into India and what are the main reasons for the present failure?

Shri Humayun Kabir: There is no question of any present failure. Plants have not been brought. The Soviet experts gave us four schemes, of which this was one. The other three are going ahead very satisfactorily and when we started working out the details of this scheme, we ran into difficulties. Therefore, from the very beginning we want to take care to see that there is no uneconomic utilisation of the resources of the country.

Motels

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- *642. { **Shri N. R. Laskar:**
Shri Ramachandra Ulaka:
Shri Dhuleshwar Meena:
Shrimati Savitri Nigam:

Will the Minister of Petroleum and Chemicals be pleased to refer to the reply given to Starred Question No. 193 on the 21st August, 1963 and state:

(a) whether the Indian Oil Company has since examined the proposal for construction of Motels; and

(b) if so, the result thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) Yes, Sir.

(b) The Indian Oil Company has planned to provide as a complement to

Filling Stations, lodging and boarding facilities at selected points on National Highways for transport operators on a utilitarian basis. Actual size of construction will depend on the importance of the location and other relevant factors.

Shri N. R. Laskar: May I know whether the Minister is in a position to tell us, along which highways the Oil Company proposes to construct these motels?

Shri Humayun Kabir: One has been constructed at Bhiwandi, near Bombay, a motel-cum-service station. As for the other places, we have asked the different distributors to whom the Indian Oil Company have given facilities, and when we receive reports from them, the question of setting up motels will be taken up.

Shri N. R. Laskar: May I know whether there is any possibility of constructing these motels along the Bengal-Assam Road, a national highway?

Shri Humayun Kabir: If the traffic offers, certainly yes.

Shrimati Savitri Nigam: May I know whether these motels will be run by the Oil Company itself through its branch managers or whether some other special committee will be formed to run them?

Shri Humayun Kabir: The Indian Oil Company have planned to enter into this motel business as an adjunct to their service stations and therefore some co-operation from the service stations will also be necessary. No separate committee seems to be required.

Housing Projects in Delhi

*643. **Shri P. Venkatasubbaiah:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Chief Commissioner of Delhi has requested the Central Government to sanction an additional

revolving fund of Rs. 5 crores to finance housing projects in Delhi; and

(b) if so, Government's reaction thereto?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):

(a) No Sir.

(b) Does not arise.

Shri P. Venkatasubbaiah: I have not heard the answer properly.

Mr. Speaker: (a) No, Sir; (b) Does not arise. Probably he was not prepared for this answer!

Shri P. Venkatasubbaiah: May I know whether this Ministry, in consultation with the Delhi Administration, proposes to draw up a comprehensive scheme for financing housing projects in Delhi?

Shri Hajarnavis: I am sorry the hon. Member was not in the House when this question was discussed somewhat late in the House yesterday. But I might tell him that the Chief Commissioner has been given Rs. 5 crores to start with and acquire lands out of this fund. As soon as land is acquired, any sums spent out of this Rs. 5 crores are made up, so that he has a revolving fund of Rs. 5 crores. So far he has not found any difficulty in financing the schemes. But, if at any time the Chief Commissioner finds that there is an additional sum necessary, it will certainly be provided.

Shri P. Venkatasubbaiah: May I know whether this scheme will be under the auspices of the Central Housing Board that is to be constituted by this Government?

Shri Hajarnavis: That does not arise out of this question. There are two or three authorities, the Delhi Development Authority and so on.

Shri K. C. Pant: In view of the fact that the demand for houses is far in excess of supply, may I know whether the Government will examine the

feasibility of expediting the construction of houses from out of prefabricated parts?

Shri Hajarnavis: That is a good suggestion for action which we could consider.

Shri H. C. Heda: May I know whether the Government have considered the requirements of housing both in the public and the private sectors and, if so, have they any idea or any plan about getting the resources?

Mr. Speaker: He said Rs. 5 crores have been entrusted to the Chief Commissioner, and that whenever he feels some additional funds are needed they will supply him.

Shri H. C. Heda: The Chief Commissioner is only entrusted with the work of acquisition and development of the land, not housing.

Mr. Speaker: The authority that is entrusted with housing is under him. Shri Kamath.

Shri Hari Vishnu Kamath: Is the Government aware that the cost of construction by the CPWD is steadily rising and is inordinately higher than the cost of similar buildings or floor areas that are undertaken privately, and, if so, have the Government cared to enquire whether this is due to corruption, extravagance and waste in the CPWD or to any other factor?

Mr. Speaker: That question does not relate to this.

Shri Hari Vishnu Kamath: They are wasting Rs. 5 crores.

Mr. Speaker: Rs. 5 crores does not necessarily bring in the CPWD.

Shri Hari Vishnu Kamath: May I know to whom it is being entrusted?

Mr. Speaker: The Chief Commissioner.

Shri Hari Vishnu Kamath: That is the Government will examine the

I want to know to whom the work is entrusted, to the CPWD or somebody else. Nobody knows?

Mr. Speaker: To whom is to work entrusted—CPWD or some other agency?

Shri Hajarnavis: It is entrusted to the Municipal Corporation for certain areas, and to the CPWD for certain other areas.

Shri Hari Vishnu Kamath: Then my original question arises.

Mr. Speaker: He put a question finally, and I allowed it.

Shri Hari Vishnu Kamath: My question which I put originally now arises: why the cost is inordinately higher, and why should it be entrusted to the CPWD at all.

Mr. Speaker: The discussion about steps to root out corruption is to take place.

Shri Hari Vishnu Kamath: It is in the Home Minister's portfolio.

Shri Sham Lal Saraf: As there is a paucity in housing and it has been the subject-matter of so many questions, may I know whether the Government will consider employing the private agencies also equally in order to expedite the construction of houses and buildings within the city of Delhi?

Mr. Speaker: It is a suggestion for action.

आई० सी० एस० अफसरों के वेतनों का निर्धारण

*६४४. श्री विभूति मिश्र : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) १४ अगस्त, १९४७ के बाद बनाये गये पदों पर नियुक्त आई० सी० एस० अफसरों का वेतन निर्धारित करने के बारे में इस बीच क्या कोई निर्णय किया गया है ; और

(ख) यदि हां, तो निर्णय की मुख्य बातें क्या हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हजरनवीस) : (क) जी हां ।

(ख) यह निर्णय किया गया है, कि भारत सरकार के सचिव, अतिरिक्त सचिव, तथा संयुक्त सचिव, के रूप में नियुक्त किये गये भूतपूर्व आई० सी० एस० अधिकारियों के वेतन के बारे में भारतीय स्वतंत्रता अधिनियम १९४७ के अनुच्छेद १०(२) (क) तथा संविधान की धारा ३१४ में समाविष्ट जो गारण्टी है, वह १४ अगस्त, १९४७ या २५ जनवरी, १९५० के बाद बनाये गये पदों के साथ साथ, सचिव, अतिरिक्त सचिव और संयुक्त सचिव के सभी पदों पर लागू है ।

[(a) Yes, Sir.

(b) It has been decided that the guarantee embodied in section 10(2)(a) of the Indian Independence Act, 1947 and article 314 of the Constitution, in regard to remuneration of officers formerly belonging to the Indian Civil Service appointed as Secretaries, Additional Secretaries and Joint Secretaries to the Government of India, is available in respect of all posts of Secretaries, Additional Secretaries and Joint Secretaries, including those created after August 14, 1947 or January 25, 1950.]

श्री विभूति मिश्र मैं जानना चाहता हूँ कि उनकी अधिक से अधिक सैलरी की सीमा क्या रखी गयी है ?

श्री हजरनवीस : चार हजार, २५०० और ३००० ।

श्री विभूति मिश्र : मैं जानना चाहता हूँ कि जब भारत सरकार ने यह तै किया है कि तीन हजार से ज्यादा तनखाह किसी को नहीं देंगे, तो जिन लोगों को इंडिपेंडेंस के बाद बहाल किया है उनको ४००० देने के

लिये सरकार के पास क्या जस्टिफिकेशन है ?

श्री हजरतबीस : आडिटर जनरल ने कहा था कि जिन सर्विसेज का निर्माण सन् १९५० के बाद हुआ है उनको यह गारण्टी लागू नहीं होती। आडिटर जनरल ने यह आप की थी। लेकिन उसके बाद जो कानूनी मामला था उसमें एटार्नी जनरल की राय ली गयी, और उन्होंने कहा ३१४ की गारण्टी उनको भी लागू होती है। अगर सरकार जरूरी समझती है तो उनको उतनी तनखाह दे सकती है।

श्री शिव नारायण : क्या सरकार कराची कांग्रेस के रिज्योल्यूशन को ध्यान में रखते हुये वेतन क्रम को निर्धारित करेगी ?

Mr. Speaker: Order, order. He is giving a suggestion whether the Government would reconsider it.

श्री हजरतबीस : अभी तो इसी दस्तके अनुसार देने का इरादा है।

Shri Bishwanath Roy: In view of the emergency, may I know whether the Government has received any offer of voluntary cut from any ICS officer?

Mr. Speaker: That is a different thing altogether.

Shri Joachim Alva: Has any group of ICS officers ever made an offer during these 15 years—in terms and conditions of the Secretary of State's guarantee—of renunciation of even a part of their salary?

Shri Hajarnavis: I shall require notice for this question. I cannot say yes or no.

Shri Bhagwat Jha Azad: May I know, after the objection raised by the Auditor-General, what was that machinery through which it was re-examined and the present decision arrived at, and how many ICS officers were on the Committee which examined this question?

Shri Hajarnavis: It was not examined by any ICS officer. The Law Ministry, the Secretary of which does not belong to the ICS, prepared a statement of the case. That statement of the case was sent to the Attorney-General.

The Attorney-General gave his opinion.

Shri Bhagwat Jha Azad: He should not be so weak in announcing it.

Mr. Speaker: The Members want that the answer should be more loud.

Shri Hajarnavis: The statement of the case was prepared by the Secretary of the Ministry of Law, who does not belong to the ICS and it was sent to the Attorney-General, a very eminent lawyer. He gave his opinion and we took action on it.

Shri Tyagi: Are ICS officers eligible for re-employment in cases where they had resigned or non-cooperated from the service during the British days, like Mr. Kamath?

Shri Kapur Singh: I want to ask whether it is a fact that before the transfer of power in 1947, all the Secretary of State Services were entitled not only to heavy compensation on premature retirement, but also to their pensions and that it was in response to the almost pathetic appeal of the Government of India leaders that they continued to serve India on the previous terms thus foregoing their considerable rights, and if so, for what reason this question is being raised again and again?

Shri Hajarnavis: The Auditor General who is responsible for proper disbursement of the revenues of this country raised this question and that question had to be settled.

Shri Ramanathan Chettiar: May I know how many ICS officers are in service today?

Mr. Speaker: That is not the question here.

Shri Sonavane: May I know whether there is any proposal before the Government, to reduce the disparity in salaries, and to consider amending the Constitution to bring about this reduction in disparity?

Mr. Speaker: It is a matter of policy. Next question.

Indian Statistical Service

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*645. { **Shri D. C. Sharma:**
 Shri Shiv Charan Gupta:

Will the Minister of Home Affairs be pleased to state:

(a) the progress made in the constitution of Indian Statistical Service and

(b) the stage at which the matter stands at present?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):

(a) Selections for appointment to the Service at its initial constitution have been made. Certain information in respect of the selected officers was called for from the Ministries/Departments in which they are at present employed. The requisite information in respect of a majority of the officers concerned has been collected and information in respect of the remaining officers is expected shortly.

(b) Certain questions relating to the formation of the Services are still pending. It is hoped to make appointments to these Services shortly.

Shri D. C. Sharma: May I know what are the points with regard to the formation of this service that are still pending?

Shri Hajarnavis: 1. The question whether reservation for members of scheduled castes and scheduled tribes should be made at the time of the institutional constitution of service. 2. The question whether officers

selected for appointment at the initial constitution of the service should be appoint on probation or not.

3. The Director of the Central Statistical Organisation suggested certain amendments to the rules and they are being considered.

Shri D. C. Sharma: IAS officers and other officers are appointed after some kind of examination and after going through an ordeal at the hands of the UPSC. May I know if the same procedure will be adopted so far as the appointment to this service also is concerned?

Shri Hajarnavis: This is a technical service. For the initial constitution, we have drawn upon the persons who are already trained statisticians and economists and who are already working in the various Ministries. We want to bring them together.

Shri Shiv Charan Gupta: May I know when the decision was taken to constitute this service?

Shri Hajarnavis: In 1958 the proposal was mooted and the rules of the service were notified on 1-11-1961.

Shri Basumatari: Since the Home Minister has not stated about the scheduled castes and scheduled tribes, I want to know why the percentage of scheduled castes and scheduled tribes in the services is so low and what steps Government is going to take to increase the percentage in services?

Shri Hajarnavis: Government are considering the question whether there should not be reservation at the initial constitution itself.

Shri S. N. Chaturvedi: Are government going to recruit for this service officers who are already in service or from the outside market also?

Shri Hajarnavis: The initial constitution of the service is from the officers who are already serving in various Ministries and Departments.

Antibiotics Factory at Rishikesh

*646. **Shri Swell:** Will the Minister of Petroleum and Chemicals be pleased to state:

(a) when the antibiotics factory at Rishikesh is likely to go into production;

(b) the types of antibiotics that will be produced there; and

(c) the extent of foreign exchange that will be required for setting up this factory?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) It is expected that the Antibiotics Plant at Rishikesh will go into production by the middle of 1966.

(b) The Plant has been licensed for the production of the following antibiotics:—

- (1) Penicillin;
- (2) Streptomycin;
- (3) Dihydrostreptomycin;
- (4) Chlorotetracycline;
- (5) Oxytetracycline;
- (6) Tetracycline; and
- (7) Nystatin.

(c) Rs. 5.5 crores approximately.

Shri Swell: With regard to the antibiotics manufactured in our country, the Minister must be aware that there are many complaints about the impurity and adulteration of these drugs. For instance, flies have been found in penicillin vials manufactured in the Pimpri antibiotics factory. May I know, with the setting up of this plant, what definite steps Government is taking to ensure that the products of this factory will be of high purity?

Shri Humayun Kabir: As far as I am aware, the products of our public sector as well as private sector industries have generally been of a high quality. Unfortunately there have been one or two cases of the type

mentioned by the hon. Member. I am sure that this factory will take every possible step to see that the highest quality is maintained.

Shri Swell: May I know whether the raw materials for these drugs will be procured indigenously or will they be imported from outside?

Shri Humayun Kabir: In many cases, they will be procured internally. If in some cases it is necessary to acquire something from outside for a short period, we shall also take steps to see that they are in course of time manufactured in the country.

Shri Sham Lal Saraf: The Government is aware that there has been a cry about the sale prices of products manufactured at Pimpri factory. May I know if steps are taken to see that the prices of products of this factory will be somewhere near a reasonable level?

Shri Humayun Kabir: It will not be a question of this factory alone. It should be one of the concerns of the Government to see that the prices of drugs go down and to see that medicine is offered at as reasonable a cost as possible.

Shri Hari Vishnu Kamath: In view of the growing school of thought in the medical world that antibiotics—anti means against and bio means life—can be as dangerous to human life as they are to the life of germs and bacilli, do Government propose to give second thought to this matter and go slow with this process?

Shri Humayun Kabir: This is an expression of opinion. Though I have every respect for any opinion expressed by my hon. friend, I do not think he is an authority on medicine . . .

Shri Hari Vishnu Kamath: It is not my opinion; it is the growing school of thought in the medical world that antibiotics are as dangerous to human life as they are to the life of germs and bacilli. He does not know anything at all about medicine and he

says I do not know. Does he know anything? He knows less than I do.

Shri Humayun Kabir: I accept I know less than him but I have advisers who know more.

Mr. Speaker: Order, order. Shri Pant.

Shri K. C. Pant: May I know to what extent the production of antibiotics in this country is going to cover the demands for antibiotics in the country and whether there is any proposal to expand the factory in the fourth Plan?

Shri Humayun Kabir: I cannot say anything about the fourth Plan yet. But during the third Plan, there will be considerable expansion in capacity and we hope that when this capacity is installed, to a large extent we will be able to cover the requirements.

Mr. Speaker: The Question hour is over. But Question No. 649 may be answered, because it is important.

Eviction of Adivasis in West Bengal

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*649. { **Shrimati Renu Chakravartty:**
Shri S. M. Banerjee:
Shri Daji:

Will the Minister of Home Affairs be pleased to state:

(a) whether firing was resorted to, to evict adivasis living on land in their possession for the last 40 years in P. S. Noapara, in Barrackpore area of West Bengal;

(b) whether one adivasi was shot through the heart and another girl of eleven was killed outright;

(c) whether it has been brought to the notice of Government that these adivasis are usually unable to produce documents and are therefore cheated by unscrupulous anti-social people; and

(d) the steps the Ministry has evolved to protect their interests?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) to (d). The adivasis were staying on the land since 1951 with the permission of the then landlord. The land was sold in 1960 and the new landlord obtained an eviction-order from the Civil Court, Sealdah. The Bailiff and the Police party who went to the land on the 29th November, 1963 to execute the order were attacked by the adivasis with brickbats, bows and arrows, and other sharp cutting and deadly weapons, and some of them received injuries. This necessitated the firing, as a result of which one adivasi was killed. A girl of eleven, who was a bystander, was also accidentally hit by a bullet, and died in hospital shortly afterwards. The West Bengal Government have ordered an inquiry into the incident.

2. No specific complaints of these adivasis were brought to the notice of the Government of India. Generally speaking, however, unscrupulous and anti-social elements everywhere try to take advantage of the weaker people. The questions of protection of the interests of the weaker sections occupy a very wide field and Government are trying their best to advance their welfare through scheme provided in the Five Year Plans.

Shrimati Renu Chakravartty: In view of the fact that Government has admitted that unscrupulous and anti-social elements everywhere try to take advantage of the weaker people and in view also of the fact that in West Bengal a large number of tribals are evicted from land, may I know why Government has not seen to it that legal aid is given to these adivasis to fight their way right up to the High Court and why it was left only to the lower courts to come to a judgment even though they have been living in that land for more than twelve years?

Shrimati Chandrasekhar: We have a scheme under which legal aid is given to the tribals in every State. Some of the State Governments include it in their Five Year Plan and in their budget. From the information that we have received, West Bengal Government have been giving legal assistance, towards which we were contributing 50 per cent from the Centre in the Second Plan. In the Third Plan period we have come to know that they have given it up. We are now writing to them to continue the scheme.

Shrimati Renu Chakravartty: In view of the fact that these Adibasis have been living in that land for twelve years and under the Bengal Occupancy Rights it is very difficult to evict them, especially when the articles of the Constitution specifically say that it is the duty of the Centre to see that the plans in this respect are implemented by the States, may I know whether the entire matter will be enquired into not by a department of the West Bengal Government as has been stated here, but by the Centre to see that these Adibasis get back their lands?

Shrimati Chandrasekhar: The provisions in the Constitution are only to see that all the welfare schemes are implemented. We have written to the State Government to have an enquiry made. They have instituted a magisterial enquiry by the sub-divisional officer.

Shrimati Renu Chakravartty: My question has not been answered.

Shri Daji: As a result of the firing two persons have died. The statement says that an enquiry is being made. I would like to know whether it is a judicial enquiry or some departmental enquiry.

Mr. Speaker: Magisterial enquiry.

Shri Daji: When was the enquiry ordered?

Shrimati Chandrasekhar: It is a magisterial enquiry. I would not be able to say precisely when the enquiry was ordered to be made.

Shrimati Renu Chakravartty: My question was not answered. My point is that an article of the Constitution gives the right to the Central Government to see that the State Governments implement the welfare schemes for the backward classes.

Mr. Speaker: The Minister has stated that the local government was giving that aid and 50 per cent was being contributed by the Centre. Now the Centre has learnt that the State Government has not done it. Therefore, the Centre has written to the State Government that it should continue to give that aid.

Shrimati Renu Chakravartty: My point is that these people have already been evicted and they are living in the church compound. I would like to know whether the Central Government, through the State Government, will see to it that the land is returned to the evicted people by the proper process of law.

Shrimati Chandrasekhar: Besides the information given by the hon. Member on the floor of the House, she has also written a letter to the Home Minister, giving much more details about the incident that took place and urging the necessity to give more assistance to them. We have written to the State Government, giving all the facts mentioned in the letter. Let us await the reply of the State Government.

Shri Hari Vishnu Kamath: Is it not a fact that quite some time ago, a year or two ago, the Central Government, after prolonged consultation with the State Governments, formulated a code of conduct for the police, particularly in the matter of handling crowds and, if so, has it been made clear in that code of conduct that prior to opening fire on a crowd the police should give warning, followed by tear gas,

water hose and lathi charge, and then only to firing as a last-resort?

Mr. Speaker: That cannot be answered now.

Shri Hari Vishnu Kamath: Why not?

Mr. Speaker: Because an enquiry has been ordered.

Shri Hari Vishnu Kamath: But magisterial enquiry is not a judicial enquiry.

Mr. Speaker: When a magisterial enquiry is being conducted, it will find out whether the firing was proper or not.

Shri Hari Vishnu Kamath: I am not referring to this enquiry at all. I am saying that there is a code of conduct prescribed for the police and it is the responsibility of Government to see that it is followed.

Mr. Speaker: Order, order. Shri Banerjee.

Shri S. M. Banerjee: It is mentioned in the statement that as a result of the firing one Adibasi and one girl were killed. I want to know whether any ad hoc or provisional compensation has been paid, pending the enquiry.

Shrimati Chandrasekhar: The report that we received does not state whether any compensation has already been given. Anyhow, we have mentioned all this in the subsequent letter that we have sent to the State Government.

Shri Jaipal Singh: Since my hon. friend, Shrimati Renu Chakravartty has supplied the information to the Home Minister, I have come to know quite a deal about it. Sir, if you will forgive me my first protest is against the answer given by the Minister, the monstrous language in which it has been put. I hope hereafter the Home Minister will not use such language.

Mr. Speaker: Order, order. I have allowed him only to put a supplementary.

Shri Jaipal Singh: Yes, Sir. I will put the supplementary question. I want to know whether this sentence that "generally speaking, however, unscrupulous and anti-social elements everywhere try to take advantage of the weaker people" refers to the present landlord or the previous landlord? Because, my information is that these Adibasis who are from Ranchi, my territory have been there for more than 40 years. They (I mean the landlords) are trying to use this legal aspect because within 12 years they gain occupancy rights. So, from 1951 to 1963.....

Mr. Speaker: Now, what is the question?

Shri Jaipal Singh: I have put the question.

Shrimati Chandrasekhar: With the eviction order from the court, the bailiff went to take possession of the land. So, if that is done with the sanction of the court, I do not think we have anything to say on that.

Shri Swell: The statement says that the West Bengal Government has ordered an enquiry. It is not mentioned as to what enquiry it is. Now, we are told that this firing occurred round about 10 O'Clock in the morning when the men-folk had gone to the factory for work. We have also been told that the police went out of their way to terrorise the Adibasis. In view of all these contentions, may I know from the Government whether it would initiate a judicial enquiry rather than a departmental enquiry?

Shrimati Chandrasekhar: The officer in charge of the Neopara police station along with two sub-inspectors and a police force arrived at the land to be evicted in the morning at about 8.30 A.M. on the 29th November, 1963.

Mr. Speaker: The only demand that is made is that it might be a judicial enquiry and not a magisterial enquiry. What has she to say on that?

Shrimati Chandrasekhar: We will let the West Bengal Government know the feelings of this House in this matter.

SHORT NOTICE QUESTION

Mysterious Flights of Chinese Transport Planes

+

S.N.Q. 4. { **Shri Jashvant Mehta:**
Shri Kaashi Ram Gupta:
Shri Vishram Prasad:
Shri Hari Vishnu Kamath:
Shri Surendra Nath Dwivedy:

Will the **Prime Minister** be pleased to state:

(a) whether Government of India have investigated the mysterious flights of Chinese transport planes from Kuming to Kathmandu in August last; and

(b) if so, the findings of the investigation?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) The Government are aware of the flight of 3 AN-2 type aircraft which were ferry-flown from Dacca to Kathmandu across Indian territory. Permission for the flights across India was requested by Nepalese authorities and was granted by the authorities in India.

(b) The 3 aircraft had been presented by the Government of China to His Majesty the King of Nepal at the time of His Majesty's visit to China. At the time of their ferry-flights the 3 aircraft belonged to His Majesty's Government of Nepal.

Shri Jashvant Mehta: When the Government received the request for the planes to cross over this area, may I know whether there was any reason given for this crossing?

Shrimati Lakshmi Menon: The reason given is, in order to reach Kathmandu to fly over India.

Mr. Speaker: The planes had been given over to His Majesty the King of Nepal by the Chinese Government. This became the property of the Nepal Government and, therefore, the Nepal Government had to take them to Kathmandu.

Shri Nath Pai: When the reports regarding the flight of these planes appeared in the press, I think, the Ministry should have felt called upon to clarify the position. Why do they allow this kind of suspicion to hang on so long and continue to work in an atmosphere of cloak and dagger? If the matter was so simple, why did they not come forward with a clarification immediately?

Shrimati Lakshmi Menon: It is given in normal course because the only way to reach Kathmandu is over India and all these planes were registered as Nepalese planes.

Mr. Speaker: That is not the question. The question is this. From the press reports there was an impression created that the Chinese planes had flown over our territory. If the facts were so simple that they belonged to the Nepal Government, why was it not made clear then?

Shrimati Lakshmi Menon: These things are done in the normal course. We do not offer an explanation every time.

Shri Nath Pai: In spite of the fact that you tried to persuade her to give a clearer reply, she has evaded it. The reason is that there is a suspicion in this country about the Chinese activities. The press does its duty in publishing it. The Government ignores it. When it is too late, it comes with a simple reply and tries to hold the press and Parliament to ridicule. Why did they not act up to their responsibility when the first report appeared in the press

by coming out and saying that it was not correct?

Mr. Speaker: The Budget session is approaching.

Shri Hem Barua: May I know, when the Nepalese Government asked for permission to fly these planes over India, whether our Government had asked from the Nepalese Government if these planes were carrying Chinese or not. If the Government knew that they were carrying Chinese nationals and yet they gave permission to them, are we to understand that the Government have reconciled themselves to the flying of Chinese nationals over our territory?

Shrimati Lakshmi Menon: The first plane was flown in May, 1962; the second was flown in 1963 and the third one later. The permission of our authorities was sought for each flight and it was accorded. There is no mystery about these flights. It is also clear that at the time of their transit across India, the aircraft belonged to the Nepal Government. They cannot, therefore, be described as Chinese aircraft. In the first aircraft, there was an Indian Navigator and in the others they had Nepalese and Australian personnel.

Mr. Speaker: There were no Chinese?

Shrimati Lakshmi Menon: No, Sir.

Shri Kashi Ram Gupta: Why were the planes sent to Dacca? Was there no direct route to Kathmandu?

Shrimati Lakshmi Menon: Evidently, this is the usual route that the planes take.

Shri Surendranath Dwivedy: Is it not a fact that under the rules the Indian Navigator should have gone in all the three planes, whereas, as the Minister has admitted, in the first plane only the Indian Navigator was there. May I know why in the rest of the two planes, no Indian navigator accompanied the planes?

Shrimati Lakshmi Menon: It was purely for the Nepalese Government as to what kind of Navigators they must have.

Shri Hari Vishnu Kamath: Is the Government aware that since the last winter debacle on the Himalayan frontier, Nepal has drawn closer to China and since then men and machinery have been arriving in plane-loads from China to Kathmandu ostensibly for road building and some other developmental projects but really for more sinister purposes directed against India and, if so, whether Government has taken notice of this fact that men and machinery coming from China have sinister designs against India?

Mr. Speaker: The hon. Member should not put the question in such a manner.

श्री विश्वाम प्रसाद : यह खबर अगस्त में छपी थी। मैं जानना चाहता हूँ कि क्या सरकार अब से इस बात के लिये काशस रहेगी कि इस तरह की खबरें अगर छपा करें तो देश में जो मिसप्रडरस्टैंडिंग फैलती है, उसको दूर करने की कोशिश की जाए ?

श्री अध्यक्ष महोदय : इस पर ख्याल किया जाएगा।

WRITTEN ANSWER TO QUESTIONS

Viva Voce in Secondary School Examination

- *647. { Shri Yamuna Prasad Mandal;
Shri Sidheshwar Prasad;
Shri P. R. Chakraverti;
Shri D. C. Sharma;

Will the Minister of Education be pleased to state:

(a) whether the State Secondary Education authorities have been

requested to re-examine the 'curricula' and consider the feasibility of viva voce as part of the secondary school examination; and

(b) if so, the reaction of the State Government Education Ministers and other State authorities?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): (a) No formal request as such has been sent to the State Governments; but, in a recent Conference of the Chairmen and Secretaries of the Boards of Secondary Education, Education Minister drew attention to the possibility of introducing viva voce in the secondary school examination.

(b) These reactions have not been received in the Government of India.

Finds at Pandu Raja's Dhibi Burdwan

***648. Shri H. N. Mukerjee:** Will the Minister of Education be pleased to state:

(a) whether his attention has been drawn to press reports of the discovery of Cretan scripts and pictographs on proto-historic stone seals found at Pandu Raja's Dhibi in Burdwan (West Bengal); and

(b) if so, the significance of such finds in relation to Indian historical development?

The Deputy Minister in the Ministry of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) The excavations are being carried out by the Government of West Bengal. The authenticity of the interpretation given to the finds has yet to be established.

Personality Test in All India Services Examination

***650.** { Shri Yashpal Singh;
Shri Sarjoo Pandey;
Shri D. C. Sharma.

Will the Minister of Home Affairs be pleased to refer to the reply given

to Starred Question No. 484 on the 4th September, 1963 and state:

(a) whether any final decision has been taken in the matter of reduction of marks for personality test for All India Services Examination; and

(b) if so, the nature thereof?

The Minister of Home Affairs (Shri Nanda): (a) and (b). A statement is laid on the Table of the House. [Placed in Library. See No. LT-2168/63].

Conversion of Oil Companies into Rupee Companies

{ Shri Ramachandra Ulaka;
Shri N. R. Laskar;
Shri Dhuleshwar Meena;
***651.** Shrimati Savitri Nigam;
Shri Morarka;
Shri Ravindra Varma;

Will the Minister of Petroleum and Chemicals be pleased to refer to the reply given to Starred Question No. 197 on the 21st August, 1963 and state:

(a) whether the tentative proposals of conversion of distributing companies into Rupee Companies, made by ESSO, Burmah-Shell and Caltex Oil Companies have since been examined; and

(b) if so, the result thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) and (b). The tentative proposals made by Esso, Burmah-Shell and Caltex Oil Companies are still under examination.

Meeting of Council for Secondary Education

{ Shri P. C. Borooah;
Shri H. C. Soy;
Shri Sidheshwar Prasad;
***652.** { Shri Maheswar Naik;
Shrimati Jyotsna Chanda;
Shri Vasudevan Nair;
Shri Dhaon;

Shri Bishanchander Seth:
Shri B. P. Yadava:
Shri Daji:
Shri Abdul Ghanj Goni:
Shri Gopal Datt Mengi:
Shri Swell:

the following farms and processing factories attached thereto which are at present under the control of the State Government of Jammu and Kashmir:

Will the Minister of Education be pleased to state:

(a) the decisions taken at the meeting of the Council for Secondary Education held on the 28th and 29th October, 1963 to secure a uniform pattern of education throughout the country and to give secondary education a technical bias; and

(b) Government's reaction thereto and the decisions taken by the Council at its said meeting?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): (a) Recommendations made by the Council on the subjects in question are enclosed in the statement laid on the Table of the Sabha. [Placed in Library. See No. LT-2169/63].

(b) The matter is under consideration of the Government.

Drug Research Laboratories at Jammu and Srinagar

*653. { Shri D. C. Sharma;
Shri Sham Lal Saraf:

Will the Minister of Education be pleased to state.

(a) whether it has been decided to take over the Jammu and Kashmir State Government's drug research laboratories at Jammu and Srinagar along with their drug farms; and

(b) if so, how they are proposed to be run?

The Deputy Minister in the Ministry of Education (Dr. M. M. Das): (a) and (b). A proposal is under consideration of the Council of Scientific and Industrial Research to take over

(i) Farm at Chakrohi (Jammu);

(ii) Five farms at Srinagar;

(iii) Processing factory at Jammu and

(iv) Processing factory at Srinagar;

The future working of the farms & the factories is also under consideration.

Institute of Rural Higher Education at Sriniketan

*654. Shri H. N. Mukerjee: Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 687 on the 27th November, 1963 and state:

(a) whether there is any intention on the part of Visvabharati University authorities to reopen the Institute of Rural Higher Education at Sriniketan;

(b) if so, when it is likely to function again; and

(c) if not, the reasons for such a decision?

The Minister of Education (Shri M. C. Chagla): (a) and (b). Consequent upon the closure and subsequent dissolution of the Institute of Rural Higher Education, Sriniketan, with effect from the 31st August, 1963, a new academic department under the name "Palli Siksha Sadana" has been started at Visva-Bharati with effect from 1st September, 1963. The "Sadana" is for the present having a three-year degree course in Social Sciences and a three-year diploma course in Agricultural Science.

(c) Does not arise.

All India Pool of Engineering Teachers

*655. **Shri P. Venkatasubbaiah:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that an All India pool of engineering teachers is going to be formed; and

(b) if so, when and for what purpose?

The Deputy Minister in the Ministry of Education (Dr. M. M. Das): (a) and (b). A scheme for the constitution of a Central Pool of Technical Teachers is being formulated. The Pool is intended to meet critical shortages of staff in institutions.

Development of Fertilizer Industry

*656. **Shri P. C. Borooah:** Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that a conference of the U.N. Economic Commission in Asia and Far East was held in Bombay recently on the development of fertilizer industry in this region;

(b) the main observation and recommendations made at the conference; and

(c) the action Government propose to take in the light of those observations/recommendations?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):

(a) Yes, Sir.

(b) and (c) The report of the conference has not yet been received from the ECAFE Headquarters.

Development of Hindi in Orissa

1849 **Shri Rama Chandra Mallick:** Will the Minister of Education be pleased to state:

(a) the total amount sanctioned by the Centre for the development of Hindi in the State of Orissa during 1962-63 and 1963-64 so far; and

(b) the amount allocated by the Centre for distributing Hindi books in Orissa during 1963-64.

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) Rs. 600 in 1962-63, and Rs. 6,650 in 1963-64.

(b) No State-wise allocation is made for the purpose under the Scheme of gifts of Hindi books to non-Hindi speaking States.

Museum at Bhubaneswar

1850. **Shri Rama Chandra Mallick:** Will the Minister of Education be pleased to state:

(a) whether any grant or loan was given by the Centre to the Government of Orissa for the development of the museum at Bhubaneswar during the last three years; and

(b) if so, the nature of assistance given?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) Grants to the extent of Rs. 3,12,000 have been sanctioned for the following:—

(i) Building .	Rs. 2,00,000/-
(ii) Equipment .	Rs. 1,07,000/-
(iii) Publications .	Rs. 5,000/-

TOTAL . Rs. 3,12,000/-

Pending Cases in Maharashtra High Court

1851. **Shri D. S. Patil:** Will the Minister of Home Affairs be pleased to state the number of pending cases in the Maharashtra High Court (Bombay and Nagpur) as on the 31st October, 1963?

The Minister of State in the Ministry of Home Affairs (Shri Hajaranavis): 18182.

Welfare of S. C. & S. T. in Maharashtra

1852, Shri D. S. Patil: Will the Minister of Home Affairs be pleased to state:

(a) the details of the schemes for the Welfare of Scheduled Tribes and Scheduled Castes formulated for Maharashtra State by the Central Government in the Third Plan period, and

(b) the schemes that have been completed so far and the total amount spent on them?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandra-sekhar): (a) A list of the schemes in the Third Plan for the welfare of the Scheduled Castes and the Scheduled Tribes in Maharashtra is laid on the House. [Placed in Library. See No. LT-2170/63].

(b) All the scheme for the welfare of Scheduled Tribes and Scheduled Castes included in the Third Plan are of a continuing nature and will continue upto the end of the Third Plan. None of them have, therefore, been completed so far.

Grants to Colleges in Maharashtra

1853, Shri D. S. Patil: Will the Minister of Education be pleased to state:

(a) the number of colleges in Maharashtra which received grant from the University Grants Commission during the Second and Third Plan periods up-to-date; and

(b) the names of the Colleges and details of the grants received by them?

The Minister of Education (Shri M. C. Chagla): (a) and (b) A statement is laid on the Table of the House [Placed in Library. See No. LT-2173/63].

Post-Matric Scholarships to S. C. & S. T. Students of Maharashtra

1854, Shri D. S. Patil: Will the Minister of Education be pleased to state:

(a) the amount sanctioned as Post-Matric scholarships for Scheduled Caste and Scheduled Tribe students for 1963-64 for Maharashtra State;

(b) whether this amount is less than that which was sanctioned in 1962-63; and

(c) if so, the reasons therefor?

The Minister of Education (Shri M. C. Chagla): (a) A sum of Rs. 15,47,700 has been sanctioned by the Ministry of Education to the State Government of Maharashtra for the award of scholarships to Scheduled Caste and Scheduled Tribe students.

(b) No, Sir.

(c) Does not arise.

नव नालन्द महाविहार, नालन्दा

१८५५. श्री सिद्धेश्वर प्रसाद : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि

(क) क्या यह सच है कि नव नालन्द महाविहार (नालन्दा, बिहार) को बौद्ध धर्म दर्शन के एक अध्ययन केन्द्र विश्व-विद्यालय के रूप में विकसित करने का प्रश्न विचाराधीन था ; और

(ख) यदि हां, तो इस संबंध में नवीनतम स्थिति क्या है ?

शिक्षा मंत्री (श्री म० क० छागला) :

(क) और (ख). नव नालन्द महाविहार के विस्तार का प्रश्न, केन्द्रीय तथा राज्य सरकार दोनों ही के विचाराधीन है। इस प्रश्न का विस्तृत रूप से अध्ययन करने के लिये, दोनों सरकारों के प्रतिनिधियों की एक विशेषज्ञ-समिति बनाई गई है। समिति की रिपोर्ट की प्रतीक्षा है।

मुल्तानपुर के उच्चतर माध्यमिक विद्यालयों में कैम्पस वर्क्स प्रोजेक्ट

१८४६. श्री रणजय सिंह : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) जिला मुल्तानपुर (उत्तर प्रदेश) के किस किस उच्चतर माध्यमिक विद्यालय को कैम्पस वर्क्स प्रोजेक्ट के अन्तर्गत अनुदान स्वीकृत हुआ है ;

(ख) कितनी किस्तों में अब तक कितना धन दिया गया है ; और

(ग) अगली किस्तों के कब तक दिये जाने की संभावना है ?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त बर्षन) : (क) (१) महात्मा गांधी स्मारक इंटर कालेज, मुल्तानपुर (उत्तर प्रदेश) (२) श्री रणवीर हायर सेकेंडरी स्कूल, अमेठी, मुल्तानपुर (उत्तर प्रदेश) ।

(ख)

संस्थान का नाम	अब तक दी गई राशि	किस्तों की संख्या
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रुपये

महात्मा गांधी स्मारक इंटर कालेज, मुल्तानपुर (उत्तर प्रदेश)

२०,००० दो

श्री रणवीर हायर सेकेंडरी स्कूल, अमेठी, मुल्तानपुर (उत्तर प्रदेश)

७,००० एक

(ग) अनुदानों की अगली किस्तें, भारत सरकार द्वारा निर्धारित शर्तों को पूरा करने पर स्वीकृत की जायेंगी ।

साहित्यिक और कलाकृतियों के संरक्षण का अन्तराष्ट्रीय संघ

१८५७. श्री सिद्धेश्वर प्रसाद : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिसम्बर, १९६३ के प्रथम सप्ताह में साहित्यिक और कलाकृतियों के संरक्षण की अन्तराष्ट्रीय यूनियन की स्थायी समिति और अन्तर-सरकार कापी-राइट समिति का दिल्ली में अधिवेशन हुआ था ;

(ख) इन समितियों में भारत का प्रतिनिधित्व किन व्यक्तियों ने किया था ; और

(ग) अधिवेशन में दोनों समितियों द्वारा क्या मुख्य सिफारिशें की गईं और इन सिफारिशों के प्रति भारत सरकार की क्या प्रतिक्रिया है ?

शिक्षा मंत्री (श्री मृ० क० छागला) :

(क) जी हां ।

(ख) १. श्री बी० एन० लोकर, सचिव, डिपार्टमेंट आफ लीगल अफेयर्स, विधि मंत्रालय ।

२. डा० के० कृष्ण राव, निदेशक, लीगल एण्ड ट्रीटीज डिवीजन, विदेश मंत्रालय ।

३. श्री टी० एस० कृष्णामूर्ति, रजिस्ट्रार आफ कापीराइट्स और उपसचिव, शिक्षा मंत्रालय ।

(ग) यूनेस्को से अभी प्रस्तावों का अंतिम पाठ नहीं मिला है ।

Grants to Universities in Andhra

1858. Shri E. Madhusudan Rao: Will the Minister of Education be pleased to state the amount of grant given by

the University Grants Commission to the different universities of Andhra Pradesh during 1962-63?

The Minister of Education (Shri M. C. Chagla):

Name of University	Amount of grant Rs.
1. Andhra . . .	30,10,618-28
2. Osmania . . .	15,39,448-83
3. Sri Venkateswara . . .	20,29,993-97

विश्वविद्यालयों में परीक्षा प्रणाली

१८५६. श्री सिद्धेश्वर प्रसाद : क्या शिक्षा मंत्री ४ दिसम्बर, १९६३ के अतारंकित प्रश्न संख्या १११२ के उत्तर के संबन्ध में यह बताने की कृपा करेंगे कि :

(क) वर्तमान परीक्षा प्रणाली में सुधार करने के हेतु विश्वविद्यालय अनुदान आयोग द्वारा नियुक्त की गई समिति ने अपना प्रतिवेदन कब प्रस्तुत किया ;

(ख) अब तक किन विश्वविद्यालयों ने उस रिपोर्ट की सिफारिशों का पूर्णतया अथवा अंशतः कार्यान्वित किया है ; और

(ग) जिन विश्वविद्यालयों ने अभी तक सिफारिशें कार्यान्वित नहीं की हैं उनके विलम्ब के क्या कारण हैं ?

शिक्षा मंत्री (श्री मु० क० छागला) :

(क) फरवरी, १९६२ ।

(ख) और (ग) . रिपोर्ट की सिफारिशों पर विश्वविद्यालयों के विचार जानने के लिए, विश्वविद्यालय अनुदान आयोग ने, समिति की रिपोर्ट को विश्वविद्यालयों में परिचालित कर दिया है। अब तक २४ विश्वविद्यालयों के विचार प्राप्त हो चुके हैं। सामान्यतया वे समिति द्वारा की गई सिफारिशों से सहमत हैं। अन्य विश्वविद्यालयों के विचार अभी आने बाकी हैं। सिफारिशों को कार्यान्वित करने में कुछ समय लगेगा।

Fertilizers

1860. { Shri P. C. Borooah:
Shri Eswara Reddy:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) the main proposals made by the working group for the development of Fertilizers in the fourth Plan and the target fixed by the group for the public and private sectors; and

(b) the decisions taken and the schemes drawn out in the light of those proposals?

The Minister of Petroleum and Chemicals (Shri Mumayun Kabir):

(a) and (b) The Planning Group on Fertilizer Industry, set up to formulate proposals for creation of additional capacity for the production of fertilizers during the Fourth Plan period, has not yet finalised its proposals. The Group adopted tentative targets of a capacity of 2 million tons of nitrogen and 1 million tons of P_2O_5 for the end of the Fourth Plan period. The corresponding production targets by the end of the Fourth Plan period would be 1.75 million tons of nitrogen and 0.8 million tons of P_2O_5 .

Traffic Drive in Delhi

{ Shri Yashpal Singh:
1861. { Shri D. D. Puri:
Shri D. C. Sharma:

Will the Minister of Home Affairs be pleased to state:

(a) the number of persons challaned and the total amount of money collected as fines by the Delhi Administration since the launching of the recent special traffic drive in the Capital;

(b) whether Government propose to continue the present regulatory measure; and

(c) if so, for how long?

The Minister of State in the Ministry of Home Affairs (Shri Hajar-navis): (a) 19,245 persons were challaned and Rs. 2,77,715/- collected as fine.

(b) and (c). Yes, Sir, as long as it is necessary.

I. O. C. Petrol Pumps

1862. Shri Yashpal Singh: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a act that the Indian Oil Company propose to distribute the Petrol Pumps in the Private Sector;

(b) if so, the number of applications received so far; and

(c) when these will be distributed?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):

(a) to (c). In conformity with the practice obtaining in the oil trade, Indian Oil Company proposes to consider allotment of Motor Spirit, High Speed Diesel retail pumps to Private Parties for which applications are being continuously received. The distribution of pumps is arranged from time to time depending upon the suitability of such applicants and other relevant factors, such as availability of suitable sites.

क्रिकेट का प्रशिक्षण

१८६३. { श्री श्रींकार लाल बेरबा :
श्री गोकर्ण प्रसाद :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारतीय क्रिकेट नियंत्रण बोर्ड ने सरकार से यह सिफारिश की है कि कालेजों और स्कूलों में क्रिकेट के स्तर को ऊंचा करने के लिये अच्छे भारतीय क्रिकेट प्रशिक्षकों द्वारा प्रशिक्षण देने की एक योजना बनाई जाए ; और

(ख) यदि हां, तो सरकार का इस विषय में क्या ध्यान है ?

शिक्षा मंत्री (श्री मु० क० छागला) :

(क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

विश्वभारती विश्वविद्यालय

१८६४. श्री प्रकाशबीर शास्त्री : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या विश्वभारती शांति निकेतन, विश्वविद्यालय में प्रति छात्र शिक्षा पर जो भारी व्यय होता था, उसमें कुछ कमी हुई है ;

(ख) यदि हां, तो १९५६-६० की तुलना में प्रति छात्र खर्च की क्या स्थिति है ;

(ग) क्या अधिक व्यय होने के कारणों का भी कुछ पता लगाया गया है ; और

(घ) यदि हां, तो उसका व्यौरा क्या है ?

शिक्षा मंत्री (श्री मु० क० छागला) :

(क) से (घ). सूचना एकत्र की जा रही है और यथासमय सभा पटल पर रखी जाएगी ।

Fertilizer Factory at Madras

1865. Shri Bhagwat Jha Azad: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether the site for a fertiliser factory in Public Sector at Madras in the Fourth Plan has been finally selected; and

(b). if so, the details thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) No, Sir.

(b) Does not arise.

Copra and Betelnuts prices in Nicobar Islands

1866. **Shrimati Savitri Nigam:** Will the Minister of Home Affairs be pleased to state:

(a) whether the minimum purchase prices prescribed for copra and betelnuts in the trading licences issued for Nicobar Islands have been revised after April, 1960; and

(b) if so, the dates of such revisions and the present minimum purchase rates and rates of royalty?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):

(a) Yes Sir;

(b) The minimum purchase prices of copra and betelnuts were revised with effect from 1st July 1963. The present minimum purchase rates and rates of royalty are as follows:—

Minimum Purchase Rates

Copra . . .	75 nP per Kg.
Betelnuts . . .	Rs. 2.20 nP per Kg.

Royalty Rates

Copra	Rs. 7/- per 100 lbs.
Betelnuts	Rs. 17.37nP. per 100 lbs.

Cooperative Societies in Andaman and Nicobar Islands

1867. { **Shri Subodh Hansda:**
Shri S. C. Samanta:

Will the Minister of Home Affairs be pleased to state:

(a) whether any cooperative societies are functioning in the Andaman and Nicobar Islands;

(b) if so, the types of cooperatives which are very popular;

(c) whether the original inhabitants are associated with these; and

(d) if not, the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) Yes Sir. One hundred and eleven Cooperative Societies are functioning in Andaman and Nicobar Islands;

(b) The following types of Cooperative Societies are popular:

- (i) Consumers' Cooperative Stores;
- (ii) Coconut Plantation Societies; and
- (iii) Marketing Societies.

(c) and (d). The Nicobarese who constitute bulk of the original inhabitants are closely associated with the Cooperative Societies in the Nicobar group of Islands. The other original inhabitants viz. Andamanese, Jarawas, Onges, Sentinalese and Shompens are still in a primitive stage of civilisation and have not taken to settled way of life.

सरकारी कर्मचारियों को हिन्दी पढ़ाना

१८६८. श्री म० ला० द्विवेदी : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सचिवालय सेवाओं के ऐसे व्यक्तियों को, जो हिन्दी नहीं जानते थे, केन्द्रीय सरकार की हिन्दी शिक्षण नीति के फलस्वरूप अब तक कितने प्रतिशत अहिन्दी-भाषी व्यक्ति हिन्दी सीख चुके हैं;

(ख) कितने प्रतिशत लोगों ने हिन्दी नहीं सीख पाई है और उसके क्या कारण हैं;

(ग) हिन्दी पढ़ाने की व्यवस्था कितने स्थानों पर है और वहाँ कितने व्यक्ति शिक्षा ग्रहण कर सकते हैं; और

(घ) इस दिशा में आगामी कार्यक्रम की रूप-रेखा क्या है ?

गृह-कार्य मंत्रालय में उपमंत्री (श्रीमती चन्द्रशेखर) : (क) दिल्ली और नई दिल्ली के क्षेत्रों के उन अहिन्दी-भाषी कर्मचारियों में से जो तीसरी तथा उससे ऊपर की श्रेणियों के हैं और हिन्दी नहीं जानते थे, लगभग ४८

प्रतिशत कर्मचारियों को हिन्दी में प्रशिक्षित किया जा चुका है। केन्द्रीय सचिवालय सेवाओं के कर्मचारियों से संबंधित पृथक आंकड़े शीघ्र उपलब्ध नहीं हैं।

(ख) और (घ). हिन्दी न जानने वाले कर्मचारियों को प्रशिक्षित करने का काम एक निर्धारित कार्यक्रम के अनुसार किया जा रहा है। प्रशिक्षण की अवधि एक से दो वर्ष तक रहती है और हिन्दी न जानने वाले कर्मचारियों के एक छोटे अंश को ही हिन्दी कक्षाओं में प्रशिक्षण प्राप्त करने के लिए भेजा जा सकता है।

(ग) इस समय केन्द्रीय सरकार के कर्मचारियों को हिन्दी सिखाने के लिए २२४ केन्द्र हैं तथा दिल्ली और नई दिल्ली के क्षेत्र में ८४०० और कुल मिला कर लगभग ५०,००० कर्मचारियों के प्रशिक्षण का प्रबन्ध है।

Rural Universities

1869. **Shri Sivamurthi Swamy:** Will the Minister of Education be pleased to state:

(a) the number of rural universities sanctioned by the University Grants Commission during the last three years;

(b) where and when they are expected to start; and

(c) the grant or aid given to each State to organise such rural universities?

The Minister of Education (Shri M. C. Chagla): (a) Under Section 12(f) of the University Grants Commission Act, 1956, the Commission may advise any authority, if such advice is asked for, on the establishment of a new university or on proposals connected with the expansion of the activities of any university. The Commission cannot sanction the establishment of any university, rural or otherwise, which can be done only

through an Act of the Central or State Legislature.

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

All India services Examination

1870. { **Shri D. C. Sharma:**
Shri Yashpal Singh:
Shri A. V. Raghavan:
Shri Pottekkatt:
Shri Mohan Swarup:
Shri Swell:

Will the Minister of Home Affairs be pleased to state:

(a) whether the Union Public Service Commission has suggested that a Committee should be appointed to find out if the existing system of examination for recruitment to the All India Service requires modification; and

(b) if so, the action taken or proposed to be taken in the matter?

The Minister of State in the Ministry of Home Affairs (Shri Hajarna-vis): (a) Yes, Sir.

(b) The matter is under consideration.

Purchase of Car by Aligarh University

1871. { **Dr. L. M. Singhvi:**
Shri Vishwa Nath Pandey:
Shri A. N. Vidyalkar:
Shri Sidheshwar Prasad:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Aligarh University has recently purchased a very expensive air-conditioned car for the use of the Vice-Chancellor and if so, the justification therefor; and

(b) whether this car was allotted or auctioned to the University by the State Trading Corporation and if so, on what basis and consideration?

The Minister of Education (Shri M. C. Chagla): (a) Yes, because the car previously used by the Vice-Chancellor had become unserviceable and the Vice-Chancellor decided to replace it by a new car of similar size and quality.

(b) The car was allotted to the University, at its request, by the State Trading Corporation at a price fixed by the Corporation.

Welfare funds for S.C. and S.T.

1872. Shri Harish Chandra Mathur: Will the Minister of Home Affairs be pleased to state:

(a) the amount spent on the administration of the welfare funds for Scheduled Castes and Scheduled Tribes in each State during each of the last three years;

(b) whether Govt. have issued any instructions and if any standards have been prescribed; and

(c) the steps taken to exercise control over the spending of the funds?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Proper administration of the Programme for the Scheduled Castes and Scheduled Tribes is primarily the responsibility of the State Governments. Expenditure is incurred on these groups both as a part of the general programme as well as on special schemes. Precise information on the amount thus spent is not readily available with the Government of India.

(b) and (c). The Government of India have not issued any specific instructions as conditions differ from State to State. The Government of India, however, keep constantly in touch with the State Governments through the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes and his Assistant Commissioners. During the Annual Plan discussions also, the position is very clearly reviewed with representatives of the State Government. Per-

iodical Conferences of Ministers in charge of welfare of Backward Classes also review the position in great detail.

Recovery of Hand-Grenades

1873. { Shri D. C. Sharma:
Shri Onkar Lal Berwa:
Shri Gokaran Prasad:
Shri Heda:
Shri Mohan Swarup:

Will the Minister of Home Affairs be pleased to state:

(a) whether the anti-bomb squad of Delhi police recovered four boxes containing 46 live hand-grenades from a former sepoy on the 8th October, 1963 on the Delhi-Gurgaon road;

(b) whether investigations have been made into the source of his supply;

(c) if so, the result; and

(d) the action taken in the matter?

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

(b) The investigation is in progress.

(c) and (d). Does not arise.

काश्मीर में भूकम्प

१८७४. { श्री विश्वनाथ पांडेय :
श्री श्रींकार लाल बेरवा :
श्री धवन :
श्री द० ब० राज :

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

(क) काश्मीर में जो भूकम्प सितम्बर, १९६३ में आया था उसमें कितने आदिमियों की मृत्यु हुई और कितने रुपये की सम्पत्ति नष्ट हुई है; और

(ख) भारत सरकार द्वारा भूकम्प पीड़ित व्यक्तियों तथा राज्य सरकार की क्या सहायता प्रदान की गई ?

गृह-कार्य मंत्रालय में उपमंत्री (श्रीमती चन्द्रशेखर) : (क) सूचना एकत्रित की जा रही है, और सभा पटल पर रख दी जायेगी ।

(ख) एक विवरण सभा पटल पर रखा जाता है । [पुस्तकालय में रखा गया । देखिये संख्या एल० टी० २१७१/६३]

Remnants of Feudalism

1875. Shri Harish Chandra Mathur: Will the Minister of Home Affairs be pleased to state:

(a) whether Government have considered the question of remnants of feudalism in the country and whether they have any programme to liquidate the vestiges of feudalism in the country; and

(b) if so, the nature thereof?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) and (b). The programme of Government is placed before Parliament from time to time and legislation passed by Parliament is carried into effect in accordance with its provisions.

Korba Fertilizers Project

1876. Shri P. C. Borooah: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) the progress so far made in the implementation of the Korba Fertilizer Project; and

(b) when it is likely to be completed?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) (i) *Land acquisition:* Preliminary notification to acquire about 1,600 acres of land required for the factory, township and area for ash dumping was issued in September, 1963.

(ii) *Site Survey:* Survey work of the site which started in October, 1963 will be completed by March-April, 1964.

(iii) *Railway siding:* Survey work from the Korba Railway Station to the factory area is expected to be

started sometime in January-February, 1964.

(iv) *Temporary Colony and Storage sheds:* Construction of structures for the temporary colony and storage sheds is expected to be started in December, 1963.

(v) *Earthmoving and construction equipment:* Most of the earthmoving and construction equipment already ordered has started arriving and it is expected to be at site by May-June, 1964.

(vi) *Town-Planning:* A suitable firm of Architects for drawing up the Master Plan of the township and doing the detailed designs of major public buildings, would soon be appointed.

(vii) *Water supply:* Detailed investigations are being carried out for the permanent water supply system.

(viii) *Main Plants:* Design, engineering and procurement of the main plants would be done departmentally by the Fertilizer Corporation of India and preliminary design work has already been started.

(b) By the latter half of 1967.

Social Defence (Care) Schemes in U.P.

1877. Shri Vishwa Nath Pandey: Will the Minister of Home Affairs be pleased to state:

(a) whether any financial assistance was given by the Central Government to Uttar Pradesh Government for the implementation of Social Defence (Care) Schemes in the State during 1961-62 and 1962-63; and

(b) if so, the details thereof?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Yes, Sir.

(b) Rs. 19,900 in the year 1961-62 and Rs. 96,769 in the year 1962-63.

Housing Scheme for Scheduled Castes

1878. Shri Vishwa Nath Pandey: Will the Minister of Home Affairs be pleased to state:

(a) the amount allotted to the Government of Uttar Pradesh for 1963-64

for housing schemes for Scheduled Castes; and

(b) the amount asked for by the Uttar Pradesh Government for the same period?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandra-sekhar): (a) Rs. 16.61 lakhs.

(b) Rs. 11.22 lakhs.

Central Pool of Officers

1879. { Shri Ramachandra Ulaka:
Shri N. R. Laskar:
Shri Dhuleshwar Meena:
Shrimati Savitri Nigam:

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 199 on the 21st August 1963 and state:

(a) whether Government have since considered and decided to wind up the Central Pool of officers; and

(b) if so, the reasons therefor?

The Minister of Home Affairs (Shri Nanda): (a) and (b). The matter is still under consideration.

Sindri and Nangal Fertilizer Factories

1880. { Shri P. R. Chakraverti:
Shri Sidheshwar Prasad:
Shri D. D. Puri:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether any measure are under way to step up production to Sindri and Nangal Fertilizer Factories; and

(b) whether any bonus has been sanctioned for the workers during 1962-63?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) Sindri: There is no proposal for increasing Sindri's plant capacity. Sindri Factory is, however, implementing a number of recommendations made by an Expert Committee

in December, 1961 for attaining maximum production possible in the present plant. This involves installation of spare equipment in different plants and installation of additional gas producers and economical recovery of ammonia from coke oven effluent and sulphate from chalk sludge. Import of some of the major equipments recommended for installation in the various plants and additional producers for Lean Gas plant is under consideration. Implementation of schemes for the recovery of ammonia and ammonium sulphate is in progress.

Nangal: The production is already upto the designed capacity and there are, therefore, no special measures under way for stepping up production.

(b) Government have authorised the payment of an *ad hoc* award amounting to Rs. 17.64 lakhs for 1962-63 to the workers at Sindri and Nangal factories.

Fertilizer Plants

1881. Shri A. K. Gopalan: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that Government have asked the Fertilizers and Chemicals Travancore Ltd., Alwaye to undertake the task of designing and construction of three new fertilizer plants; and

(b) if so, the details thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) Yes, sir.

(b) The details have not yet been finalised.

Extension Library Centres for Universities

1882. { Shri B. K. Das:
Shri S. C. Samanta:

Will the Minister of Education be pleased to state:

(a) the number of Universities so far approved by the University Grants

Commission for grants for establishing extension library centres;

(b) the number out of them given grants and other assistance; and

(c) whether University Grants Commission has been trying to open more centres in selected Universities?

The Minister of Education (Shri M. C. Chagla): (a) Three.

(b) All the three.

(c) No, Sir.

कृत्रिम रबड़ का कारखाना

१८८३. श्री मोहन स्वरूप : क्या पेट्रोलियम और रसायन मंत्री यह बताने की कृपा करेंगे कि :

(क) फतेहगंज, पश्चिमी बरेली के निकट वन रहे कृत्रिम रबड़ के कारखाने के उत्पादन की स्थिति क्या है;

(ख) क्या यह सच है कि उसमें उत्पादित रबड़ बाहर से आयात की गई रबड़ के भावों से भी महंगी है; और

(ग) यदि हां, तो इसका क्या कारण है ?

पेट्रोलियम और रसायन मंत्री (श्री हुमायूँ कबिर) : (क) मई, १९६३ में फैक्टरी ने उत्पादन शुरू किया और अक्टूबर, १९६३ के अन्त तक ५११८ मीटर टन उत्पादित हुआ ।

(ख) तथा (ग). जी हां । कच्चे माल के मूल्य में वृद्धि तथा कम प्रारम्भिक उत्पादन के कारण ।

दिल्ली में प्राथमिक शिक्षा

१८८४. श्री मोहन स्वरूप : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली में अनिवार्य प्राथमिक शिक्षा के लिये बच्चों का सर्वेक्षण किया जायेगा; और

(ख) यदि हां, तो योजना का विस्तृत व्यौरा क्या है ?

शिक्षा मंत्री (श्री म० क० द्यागला) :
(क) जी हा ।

(ख) दिल्ली प्राथमिक शिक्षा अधिनियम, १९६० के अन्तर्गत दिल्ली नगर निगम प्रत्येक वर्ष स्कूल जाने वाले उम्र के बच्चों का सर्वेक्षण करता है । यह सर्वेक्षण सब से पहले १९६१-६२ में आरम्भ किया गया था जिसमें ६-७ आयु-वर्ग के सभी बच्चे सम्मिलित किये गये थे । १९६२-६३ में ६-८ आयु-वर्ग के तथा १९६३-६४ में इसमें ६-९ आयु-वर्ग के बच्चों को सम्मिलित किया गया । तीसरी पंच वर्षीय योजना के शेष दो वर्षों में ६-१० और ६-११ आयु-वर्गों के बच्चे भी इस सर्वेक्षण में सम्मिलित कर लिये जायेंगे ।

नई दिल्ली नगर पालिका के क्षेत्र में भी १९६२ से ऐसे ही सर्वेक्षण किये गये हैं ।

सर्वेक्षण का उद्देश्य है : —(१) स्कूल जाने वाले उम्र के सभी बच्चों का गणना करना, (२) स्कूल न जाने वाले बच्चों का पता लगाना, (३) स्कूल न जाने वाले बच्चों को भर्ती करने के लिए कार्रवाई करना ।

Honorary Posts under Central Government

1885. Shri Raghunath Singh: Will the Minister of Home Affairs be pleased to state the number of persons holding honorary posts in the Central Government and the money spent on their D.A. and T.A. and honorarium from 1961 to-date?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): Information is being collected and will be laid on the Table of the House as early as possible.

क्रीड़ा प्रशिक्षण

१८८६. { श्री विश्वनाथ पांडेय :
श्री बालगोविन्द वर्मा :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय सरकार ने राज्यों में क्रीड़ा प्रशिक्षण की विस्तृत योजना बनाई है ;

(ख) यदि हाँ, तो उसकी रूपरेखा क्या है ; और

(ग) वह योजना कब से लागू होगी ?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त वर्शन) : (क) केन्द्रीय सरकार द्वारा स्थापित राष्ट्रीय खेल-कूद संस्थान ने राष्ट्रीय प्रशिक्षण योजना नामक एक योजना बनाई है ।

(ख) योजना की एक प्रति सभा पटल पर रखी गई है । [पुस्तकालय में रखी गई, देखिये संख्या एल टी—२१७३/६३]

(ग) कुछ राज्यों ने क्षत्रीय प्रशिक्षण केन्द्र खोल कर तथा प्रशिक्षण शिविर आरम्भ कर के योजना को कार्यान्वित करना आरम्भ कर दिया है । आशा है कि आने वाले वर्षों में अन्य राज्य भी इस योजना को कार्यान्वित करेंगे ।

Dam at Balasor

1887. Shri G. Mohanty: Will the Minister of Home Affairs be pleased to state:

(a) whether the representatives of the State Governments of Bengal, Bihar and Orissa met as decided by the Eastern Zonal Council and discussed the erection of a Dam over the River Subarnarekha flowing through the District of Balasor, Orissa; and

(b) if so, the conclusions arrived at?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) and (b). The Eastern Zonal

Council at its seventh meeting held in February, 1963 constituted a committee consisting of a Member of the C.W. & P.C. and nominees of the Governments of Bihar, Orissa and West Bengal, to make a study of the water resources and utilisation of the supplies in the Burabalanga and Subarnarekha basins for irrigation and industrial purposes. This study has been undertaken in the context of the Orissa Government's proposal to divert the waters of the Subarnarekha to the Burabalanga basin for irrigation purposes by constructing a diversion weir across the Subarnarekha and a canal feeding into a dam across the Burabalanga. The committee has met once and has called for data in regard to the existing and proposed utilisation of waters of the Subarnarekha and will examine the data after it has been collected and processed by the C.W. & P.C. It has not discussed any scheme for the erection of a dam across the Subarnarekha in Balasor district.

Road in Lahaul and Spiti

1888. Shri Hem Raj: Will the Minister of Home Affairs be pleased to state:

(a) whether the Punjab Government have approached the Central Government for sanction for the construction of the Tandi-Thirot Road in the Lahaul and Spiti District; and

(b) if so, when the proposal was received and the action taken thereon:

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

(b) The proposal was received in July, 1963. As the details were not complete, the State Government were asked to supply them. These were received in September, 1963. The matter was referred for scrutiny to technical experts. Their comments have been received and are under examination.

Rani Guidilu of Tamenglong

1889. **Shri Rishang Keishing:** Will the Minister of Home Affairs be pleased to state:

(a) whether Rani Guidilu of Tamenglong, Manipur was receiving a sum of Rs. 200 per month from the Government of India;

(b) whether it is a fact that she went underground since July, 1960;

(c) if the reply to parts (a) and (b) above be in the affirmative, whether payment of the amount was discontinued with effect from the date she went underground; and

(d) if not, the reason therefor?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) and (b). Yes, Sir.

(c) The Rani has not drawn her allowance since she went underground.

(d) Does not arise.

Price of Petrol

1890. { **Shri Bibhuti Mishra:**
Shri Shree Narayan Das:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that Petrol and High Speed Diesel Oil dealers all over the country are making huge money every year only by rounding off the fractions in charging prices;

(b) whether it is also a fact that the Director, Non-official Price Intelligence Service, Planning Commission has repeatedly brought the matter to the notice of the Ministry; and

(c) if so, the steps taken or proposed to be taken in this regard?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) This Ministry is responsible for the determination of basic ceiling selling prices of major petroleum products including Petrol and High Speed Diesel

Oil, ex-oil companies storage points and has also laid down the general principles to be followed in the determination of prices ex-Agents/dealers etc. The determination of actual prices ex dealers pumps all over the country for petrol & High Speed Diesel Oil on the aforesaid basis is the responsibility of the local administrations.

(b) The Director Non-official, Price Intelligence Service, Planning Commission has brought to the notice of the Ministry that the dealers in Delhi are selling Petrol and H.S.D. Oil @ 85 nP. and 72 nP. per litre as against the calculated retail selling price of nP. 84.226 and nP. 71.339 per litre, respectively.

(c) The Delhi Administration had accordingly been advised by this Ministry to enforce a suitable Ready Reckoner to ensure that no over-recovery results to the dealers and the consumers get the benefit of the rounded off prices for different quantities, as and when due. Against this step, the Delhi Petrol Dealers Association has filed a Writ Petition and the Division Bench of the Punjab High Court has passed *ad interim* stay order on the Delhi Admn. and this Ministry, in view of which no further action is being taken at present.

दिल्ली में जुआ

१८९१. श्री कछवाय : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली में बहुत बड़े पैमाने पर जुआ होता है ;

(ग) क्या दिल्ली में चल रहे जुआ खानों को गुंडे आदि चला रहे हैं ; और

(ग) दिल्ली में जूए की बुराई का अन्त करने के लिए सरकार द्वारा क्या कार्यवाही की जा रही है ?

गृह-कार्य मंत्रालय में उपमंत्री (श्रीमती चन्द्रशेखर) : (क) जी नहीं ।

(ख) कुछ मामलों में जुआ खानों से कुछ गूंडे पकड़े गये ।

(ग) दिल्ली जुआ अधिनियम, १९५५ के अधीन कार्यवाही की जाती है । दीवाली के दौरान, जबकि जुआ बहुत अधिक खेला जाता है, विशेष सतर्कता रखी जाती है । चालू वर्ष की अवधि में ३१ अक्तूबर, १९६३ तक ६२८ अभियोग चलाये गये ।

General Order on Evacuation during Chinese Aggression

1892. { Dr. Ram Manohar Lohia:
Shri Ram Sewak Yadav:

Will the Minister of Home Affairs be pleased to state:

(a) whether a general order or circular was issued last year at the time of the Chinese invasion of North East Frontier Agency that places facing imminent danger of falling should be evacuated;

(b) if so, when and under whose order it was issued, and whether any further instructions were issued for the interpretation of the circular; and

(c) whether the local Army Commanders and other officers interpreted this circular to mean that those places should be evacuated with no fighting or little fighting and therefore this circular has since been withdrawn?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) and (b). It will not be in the public interest to disclose any information on the subject.

(c) No Sir.

Houses built by Central Government Servants

1893. Shri Balmiki: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a large number of Government Servants have built houses in Greater Kailash, New

Delhi and New Delhi-South Extension with Central Government house-building loans;

(b) whether the local authorities have not assessed the rental value of the houses built, with the result that the officials are put to considerable financial difficulties inasmuch as they are not able to claim the house rent under the rules; and

(c) if so, the action Government propose to take to remove the hardships caused to the Government servants by the non-fixation of rental value?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) Government servants have been advanced Central Government house building loans for construction of houses in Greater Kailash, New Delhi and New Delhi-South Extension Colonies.

(b) The Delhi Municipal Corporation which is the local authority concerned assess the rateable value of the houses built in accordance with the provisions of the Delhi Municipal Corporation Act, 1957 with the least possible delay.

(c) Does not arise.

Location of Bench of Rajasthan High Court at Jaipur

1894. Dr. L. M. Singhvi: Will the Minister of Home Affairs be pleased to state:

(a) whether Government have received any fresh representations for locating a Bench of Rajasthan High Court at Jaipur; and

(b) if so, the reaction of Government thereto?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) and (b). Government have received a joint representation from

certain Bar Associations in Eastern Rajasthan urging the establishment of a permanent Bench of the Rajasthan High Court at Jaipur. This matter, however, is not engaging the attention of the Government at present.

**Government H. S. School for Boys,
Malvia Nagar, New Delhi**

1895. Shri G. S. Musafir: Will the Minister of Education be pleased to state:

(a) whether more than 12 students of class IX of Government Higher Secondary School for Boys, Malviya Nagar, New Delhi, offered Punjabi as a subject in August, 1963;

(b) if so, when the case was forwarded to the higher authority for provisional recognition of the subject; and

(c) whether the subject has been introduced and if not, the reasons therefor?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir.

(b) As the applications were not received within the time limit prescribed by the Board (i.e. 31st August preceding the year in which the subject is proposed to be introduced) the question of forwarding them to the Board did not arise;

(c) No, Sir; for want of the Board's recognition.

**Government H. S. School for Boys,
Moti Bagh, New Delhi**

1896. Shri G. S. Musafir: Will the Minister of Education be pleased to state:

(a) whether it is a fact that more than twelve students of class IX of Government Higher Secondary School for Boys, Moti Bagh, New Delhi, offered Punjabi as a subject in 1961, 1962 and also in July, 1963;

(b) whether it is a fact that the recognition was granted by the Central Board of Higher Secondary Education in early 1962 and the subject was not introduced despite that;

(c) when the decision in the matter was taken in each year referred to in part (a) above; and

(d) whether the subject has been introduced now, and if not, the reasons therefor?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir.

(b) Yes, Sir.

(c) The position was reviewed in the months of May, July and August of each year on the basis of the number of students desiring to offer Punjabi.

(d) No, Sir. The number of students offering Punjabi as a subject in each of the three years was less than the prescribed minimum required for introducing the subject.

सचिवालय सुरक्षा संगठन

१८६७. श्री कल्याण : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) सेक्रेटेरिएट सुरक्षा संगठन के अन्तर्गत फरवरी, १९६३ में कुल कितने सिपाही लगे हुए थे ;

(ख) इनमें से कितनी जगह अनुसूचित जातियों और अनुसूचित आदिम जातियों के लिए सुरक्षित हैं ; और

(ग) फरवरी, १९६३ में इन जातियों के वास्तव में कितने व्यक्ति सिपाही के रूप में काम कर रहे थे ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरतबीस) : (क) से (ग). सूचना निम्नांकित है :—

फरवरी १९६३ में मन्त्रिवालय	सुरक्षित पदों की संख्या		फरवरी, १९६३ में अनुमचित जातियों और अनुसूचित आदिम जातियों के सिपाहियों की संख्या	
	अनुसूचित जातियों के सिपाहियों की कुल संख्या	अनुसूचित आदिम जातियों के सिपाहियों के लिये	अनुसूचित जातियों के सिपाही	अनुसूचित आदिम जातियों के सिपाही
सुरक्षा संगठन में सिपाहियों की कुल संख्या	४७१	२४	६०	१

Motwane Private Ltd.

1898. Shri Daji: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that some complaints regarding corrupt practices against Motwane Private Limited, Bombay were received and investigated by the Special Police Establishment;

(b) whether it is also a fact that the premises of the company were searched in April, 1963; and

(c) the action, if any, taken in the matter?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) Yes.

(b) Yes.

(c) A case has been put in court against the Chairman, Managing Director and the Show Room Manager of the Company under section 120-B I.P.C. read with sections 420 and 471 I.P.C. The conduct of the public servants concerned in this case is being reported to the authorities of the Bhilai Steel Project for appropriate action.

Age of Supreme Court Judge

1899. Shri Hari Vishnu Kamath: Will the Minister of Home Affairs be pleased to state:

(a) whether Government propose to introduce a Bill under Article 124 (2A) for determining the age of a Judge of the Supreme Court; and

(b) if so, when it will be introduced?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) No, Sir.

(b) Does not arise

दिल्ली का भावी राजनैतिक ढांचा

१९००. श्री सिद्धेश्वर प्रसाद: क्या गृह-कार्य मंत्री २० नवम्बर, १९६३ के तारान्कित प्रश्न संख्या ६४ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या इस बीच दिल्ली के भावी राजनैतिक ढांचे के सम्बन्ध में कोई निश्चय कर लिया गया है; और

(ख) यदि हां, तो वह क्या है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरनबीस) : (क) और (ख). नामला अभी विचाराधीन है ।

नगर हवेली की जनगणना

१६०१. श्री बसवन्त : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्र शासित नगर हवेली में जनगणना की गई है ; और

- (ख) यदि हां, तो भाषावार आंकड़े क्या हैं ?

गृह-कार्य मंत्रालय में उपमंत्री (श्रीमती चन्द्रशेखर) : (क) जी हां ।

(ख) अन्तिम आंकड़े विवरण में दिये गये हैं जो सभा पटल पर रखा गया है ।
[पुस्तकालय में रखा गया देखिये संख्या एल टी—२१७४/६३].

Warrant of Precedence

1902. { Shri Brij Raj Singh-Kotah:
Shri P. C. Deo Bhanj:

Will the Minister of Home Affairs be pleased to state:

(a) whether according to the Warrant of Precedence some officials take precedence over Ministers of State Governments and some Members of Council of Ministers of Central Government;

(b) if so, the reasons therefor and the designations of officials concerned; and

(c) whether this is a permanent arrangement or applicable only to the present incumbents?

The Minister of Home Affairs (Shri Nanda): (a) Yes, Sir.

(b) A copy of the Table of precedence and a statement showing officers who take precedence over Ministers in States and Deputy Ministers of the Union are placed on the Table of the

House. [Placed in Library. See No. LT-2175/63]. The high judicial, diplomatic, civil military and constitutional offices held by the officers concerned has been taken into consideration in giving them precedence over Ministers in States and Deputy Ministers of the Union.

(c) The Table of Precedence, which is issued with reference to offices and not with reference to incumbents, is subject to revision and is not a permanent arrangement.

Higher Secondary Education

1903. { Shri Vasudevan Nair:
Shri Warior:

Will the Minister of Education be pleased to state:

(a) the amount set apart for aiding the States for conversion of the present high schools to higher secondary schools during the Third Plan period; and

(b) the amount already spent out of this allotment?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): (a) and (b). No. amount is required to be so set apart, under the existing procedure for Central aid to State sector schemes, such as the scheme of conversion of High Schools to Higher Secondary Schools. When State Governments provide for expenditure on this approved scheme they are entitled to 50 per cent Central assistance. The approved outlay on this scheme for the III Plan period in all the States together was Rs. 14.60 crores of which Rs. 3.96 crores are reported to have been spent in the first two years of the Plan.

Workers in Hindustan Antibiotics, Pimpri

1904. Shri K. N. Pande: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that the Tribunal relating to wages and dear-

ness allowance for the workers employed in the Hindustan Antibiotics, Pimpri has submitted its Award; and

(b) if so, the action being taken to implement the same?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):
(a) Yes, Sir.

(b) A Special Leave Application under Article 136(1) of the Constitution of India was made by Hindustan Antibiotics Limited in the Supreme Court on the 4th December, 1963. The Supreme Court, after hearing the arguments, have issued 'stay orders' on the appeal.

दिल्ली के न्यायालय में एक शव का मिलना

१९०५. श्री कछवाय : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि २६ नवम्बर, १९६३ को दिल्ली की अदालत में एक शव बरामद हुआ ;

(ख) यदि हां, तो क्या सरकार ने इस घटना की कोई जांच की है ; और

(ग) जांच के क्या परिणाम हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हजरतबोस) : (क) जी नहीं। एक व्यक्ति अचानक बेहोश हो कर वहां मर गया।

(ख) जी हां।

(ग) मृत्यु प्राकृतिक कारणों से अर्थात् हृदय गति रुक जाने से हुई।

केन्द्रीय सचिवालय पुस्तकालय

१९०६. श्री कछवाय : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सचिवालय पुस्तकालय में १९६१-६२ एवं १९६२-६३ में अंग्रेजी की कितने रुपये की पुस्तकें खरीदी गईं ;

(ख) उसी अवधि में हिन्दी पुस्तकों पर कितना रुपया व्यय किया गया ?

शिक्षा मंत्री (श्री मु० क० छागला) :

(क) १९६१-६२ और १९६२-६३ के दौरान खरीदी गई अंग्रेजी पुस्तकों का मूल्य क्रमशः ४५,२४६.३३ रुपये और ४८,८५४.२७ रुपये था।

(ख) इसी अवधि में हिन्दी की पुस्तकों पर खर्च की गई राशि निम्नांकित है :—

१९६१-६२ ७,७६२.५७ रुपये

१९६२-६३ ६,६६७.७१ रुपये

Fertilizer Project at Kothagudium

1907. **Shri Eswara Reddy:** Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether the International Bank for Reconstruction and Development have agreed to grant a loan to the promoters of Fertilizer Project at Kothagudium; and

(b) if so, the terms and conditions therefor?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):

(a) The International Bank for Reconstruction and Development have agreed in principle to grant a loan for financing the Kothagudam Fertilizer Project.

(b) The Loan Agreement in respect of this loan has not yet been signed; the terms and conditions of the loan will be known only when the negotiations for the loan have been completed and the Agreement signed.

Perquisites of Ministers

1908. { **Shri Kapur Singh:**
Shri Solanki:

Will the Minister of **Home Affairs** be pleased to state what are the perquisites of various Ministers of the Government of India, and how much it costs the Exchequer?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): The salary, allowances and other privileges of Ministers are governed by the Salaries and Allowances of Ministers Act, 1952, and the Rules made thereunder. It will not be possible to work out the cost of such perquisites with any degree of accuracy.

अगर डिवीजन क्लर्क

१६०६. { श्री कछायाय :
श्री उमानाथ :
श्री स० नो० बनर्जी :

क्या गृह-कार्य मंत्री १८ सितम्बर, १९६३ के अंतरांगिक प्रश्न संख्या २१५१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि

(क) क्या सरकार ने सेंट्रल गवर्नमेंट क्लर्क यूनियन की अगर डिवीजन क्लर्कों का पद समाप्त कर उन्हें अमिस्टेट के ग्रेड में पदोन्नति देने की मांग पर विचार कर लिया है ; और

(ख) यदि हाँ, तो उस सम्बन्ध में क्या निर्णय किया गया है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हजरतबीस) : (क) और (ख) यह मामला अभी विचाराधीन है ।

Trained Women Teachers in Delhi

1910. Shri Yashpal Singh: Will the Minister of Education be pleased to state:

(a) whether it is a fact that there is a dearth of highly qualified trained women teachers in Delhi; and

(b) if so, the steps Government contemplate to take to meet the situation?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir, except among post-graduate women teachers of Science and Mathematics.

(b) The numbers involved are not large and the shortage is considered

to be temporary. Hence the situation is being met by re-employing superannuated male teachers, if they are fit to work, and employing one woman teacher for two girls' schools, if found practicable.

Central Institute of Education

1911. Shri Yamuna Prasad Mandal: Will the Minister of Education be pleased to state:

(a) whether Government propose to open a Department of Teacher Education at the Central Institute of Education, New Delhi; and

(b) if so, whether and in what manner this newly proposed Department will help the cause of the education of elementary teachers?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) The proposed Department will help the cause of educating elementary teachers by (i) conducting research in problems of teacher education; (ii) preparing an improved curricula for training institutions for elementary teachers; (iii) organising, through the State Institutes of Education, a programme for in-service training of teacher educators; (iv) preparing literature for elementary teachers; and (v) conducting correspondence courses for elementary teachers on an experimental basis with a view to their generalisation, at a later stage, through the State Institutes of Education.

लकड़ी के बुरादे से अलकोहल

१९१२. श्री ओंकार लाल बेरवा : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि वैज्ञानिकों ने लकड़ी के बुरादे से अनुसंधान करके पता लगाया है कि बुरादे से अलकोहल का उत्पादन हो सकता है ;

(ख) क्या इस प्रकार तैयार किया गया अलकोहल काफी औषधियों में काम आ सकता है ; और

(ग) यदि हां, तो इस कौन-कौन सी दवाओं में काम में ले सकते हैं ?

शिक्षा मंत्रालय में उपायंत्री (डा० म० मो० दास) : (क) जहाँ तक शिक्षा मंत्रालय का संबंध है इस तरह के किसी अनुबंधन की सूचना नहीं मिली है ।

(ख) और (ग) मंत्रालय पैदा नहीं होता ।

Post-Matric Scholarships to Backward Class Students

1913. Shri E. Madhusudan Rao: Will the Minister of Education be pleased to state:

(a) the total number of scholarships given during 1962-63 under the Scheme of award of Post-Matric Scholarships to Scheduled Caste, Scheduled Tribe and other Backward Class Students; and

(b) the total number of such students who happened to be from Andhra Pradesh?

The Minister of Education (Shri M. C. Chagla): (a) 86,339.

(b) 5,386.

Regional Engineering College at Warangal

1914. Shri E. Madhusudan Rao: Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Regional Engineering College at Warangal has been given a grant of Rupees five crores by the UNESCO; and

(b) if so, the details thereof?

The Minister of Education (Shri M. C. Chagla): (a) and (b). The United Nations Special Fund has agreed to assist in the development of the Warangal Regional College with equipment, expert professors and fellowships for the training of Indian staff abroad. The U.N. assistance is estimated at \$ 1.765 m (Rs. 84.05

lakhs) and UNESCO is the executive agency.

Social Sciences

1915. Shri E. Madhusudan Rao: Will the Minister of Education be pleased to state:

(a) the subjects which are classified under "Social Sciences"; and

(b) whether Political Science and/or Economics is also considered a social science or only "Sociology" is considered to be a "social science" for purposes of recruitment wherever such qualifications are asked for?

The Minister of Education (Shri M. C. Chagla): (a) The following Subjects are generally included under "Social Sciences":

1. Economics
2. Sociology
3. Psychology
4. Anthropology
5. Geography
6. Politics or Political Science.

(b) Sociology is one of the Social Sciences besides Political Science, Economics etc.

Reservations for Scheduled Castes and Scheduled Tribes

- 1916.** { **Shri N. R. Laskar:**
Shri Ram Sewak:
Shri Naval Prabhakar:
Shri Dhuleshwar Meena:
Shri Ratan Lal:
Shri S. C. Samanta:
Shri P. L. Barupal:
Shri Swell:
Shri Pratap Singh:

Will the Minister of Home Affairs be pleased to state:

(a) whether the reservation for the Scheduled Castes and Tribes is made both in the cadre strength at the initial stage of constituting a service as well as in the annual appointments for maintaining the service; and

(b) if so, whether this principle will be applied in the case of (i) the various new All India and Central Services, the Indian Service of Engineers, Indian Forest Service, Indian Medical and Health Service, Central Information Service, Indian Economic Service and Indian Statistical Service; and (ii) the various public undertakings set up so far?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):

(a) Reservation for Scheduled Castes and Tribes in a Service is not made against the total strength of that Service. The reservation both at the initial constitution and at the maintenance stage will depend on the method of recruitment to the Service.

(b) In so far as the I.A.S. and I.P.S. are concerned reservation for Scheduled Castes and Scheduled Tribes is made only in the vacancies that are filled annually through the Combined Competitive Examination in accordance with the orders issued by Government from time to time. The same procedure will be followed in respect of the various new All India Services, viz., the Indian Service of Engineers, Indian Forest Service, Indian Medical and Health Service. As regards the Central Information Service, no reservation for Scheduled Castes and Scheduled Tribes candidates was made at the initial constitution of the Service. Direct recruitment to the Service at its maintenance stage will be subject to the orders regarding reservation for those communities. In the Indian Statistical Service and the Indian Economic Service, the question whether any reservation for Scheduled Castes and Scheduled Tribes can be made at the initial constitution of the two Services is under examination. There will no doubt be reservation for persons belonging to those communities at the maintenance stage in accordance with the orders on the subject.

Orders issued by the Government of India for reservation of appointments or posts in favour of Sche-

duled Castes and Scheduled Tribes do not *ipso facto* apply to public sector undertakings. They have, however, been advised to follow these orders.

Indian Economic and Statistical Services

1917. { Shri N. R. Laskar:
Shri Ram Sewak:
Shri Naval Prabhakar:
Shri Dhuleshwar Meena:
Shri Ratan Lal:
Shri S. C. Samanta:
Shri Swell:
Shri P. L. Barupal:
Shri Pratap Singh:
Shri M. G. Thengondar:
Shri Shiv Charan Gupta:

Will the Minister of Home Affairs be pleased to state:

(a) the sanctioned strength for the initial constitution of the Indian Economic and Statistical Services in various grades;

(b) the number of persons who have been enrolled so far;

(c) the reserved quota for the Scheduled Castes and Tribes in each grade; and

(d) the number of Scheduled Caste and Scheduled Tribe candidates who have been appointed;

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):

(a) and (b). The number of posts included in and the number of persons selected for appointment to the various grades of the two Services at the initial Constitution are as follows:

Name of the service.	No. of posts included in the various grades of the services	No. of persons selected for appointment to the various grades of the service.
Indian Economic Service .	325	277
Indian Statistical Service .	185	176

(c) The question whether any reservation for Scheduled Castes and Scheduled Tribes can be made at the initial constitution of the two Services is under examination.

(d) Appointments to the two Services have yet to be made.

Hindi Teachers in Mysore

1918. **Shri D. C. Sharma:** Will the Minister of Education be pleased to state:

(a) whether the Mysore Government have approached the Union Government for help to recruit 4,000 Hindi teachers for middle schools and 2,000 for high schools in the State; and

(b) if so, the reaction of the Central Government thereto?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) Not so far, Sir.

(b) Does not arise.

Report on Silchar Firing

1919. **Shrimati Jyotsna Chanda:** Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 2397 on the 6th September, 1962 and state:

(a) whether the report of the Enquiry Commission regarding Silchar firing in May, 1961 has been made public; and

(b) if not, when it is likely to be made public.

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) and (b). The report is still under the consideration of the Assam Government and has not yet been made public.

Theft of Justice Das's Brief Case

— { **Shri Daji:**
— { **Shri Prabhat Kar:**
— { **Shri Kapur Singh:**
— { **Shri S. M. Banerjee:**

1920. { **Shri Warrior:**
— { **Shri Prakash Vir Shastri:**
— { **Shri Himmatsinhji:**
— { **Shri Krishnapal Singh:**
— { **Shri N. Sreekantan Nair:**
— { **Shri Hari Vishnu Kamath:**
— { **Shri Jashvant Mehta:**
— { **Shri P. H. Bheel:**

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the brief case and papers relating to the enquiry against Shri Kairon, Chief Minister of Punjab, in custody of Justice Shri Das, were lost when he was on his way to Delhi; and

(b) if so, the particulars thereof?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):

(a) and (b). A brief case containing certain copies of papers relating to the enquiry against Shri Kairon, which had been sent to Shri Das, were lost while Shri Das was coming to Delhi on 19th November, 1963. All the papers were however found in the brake van of a train later the same night.

Recruitment of Clerks

1921. { **Shri Umanath:**
— { **Shri S. M. Banerjee:**

Will the Minister of Home Affairs be pleased to state:

(a) the total number of Clerks Grade Examination held from the beginning of 1958 upto date;

(b) the number of clerks recruited as a result of each examination;

(c) whether these Lower Division Clerks were appointed temporarily or substantively; and

(d) the number of Lower Division Clerks in the Central Secretariat Cle-

rical Service Scheme who were recruited earlier than 1958 but are still temporary?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) Five.

(b) Year of Examination	No. of LDCs recruited to C.S.C.S.
1958	854
1959	225
1961	263 (selected for appointment).
1962	387 (selected for appointment)
1963	Results not yet announced.

(c) Candidates upto rank 750 of the 1958 Examination were appointed against permanent vacancies. All others have been recruited against temporary vacancies.

(d) There are approximately 2600 temporary Clerks who count seniority from dates earlier than 1-1-1958. This number includes persons appointed before that date as well as those appointed thereafter but who had rendered previous service in other offices under Government and have been given credit for it for the purpose of seniority. Information regarding the number of persons actually appointed before 1958 is not readily available.

Scientific Literature

1922. { Shri S. C. Samanta:
Shri B. K. Das:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that a scheme for giving financial assistance for the publication of popular scientific literature, journals and books is in operation with Government;

(b) if so, the details of the scheme and since which year the scheme is in operation; and

(c) the amount allotted and spent under the scheme since its inception, year-wise, for assisting authors and publishers of popular scientific literature in Bengali and Hindi?

The Deputy Minister in the Ministry of Education (Dr. M. M. Das): (a) Yes.

(b) and (c). A statement is laid on the Table of the House. [Placed in Library. See No. LT-2176/63].

Summer Schools in Scientific and Engineering Subjects

1923. { Shri S. C. Samanta:
Shri B. K. Das:

Will the Minister of Education be pleased to state:

(a) when the scheme of holding summer schools in different scientific and engineering subjects was put into operation;

(b) the number of such schools held and the expenditure incurred year-wise till 1962-63 since the inception of the scheme; and

(c) the allocation made for the scheme for 1963-63?

The Deputy Minister in the Ministry of Education (Dr. M. M. Das): (a) The first summer school, which was in Theoretical Physics, was organised by the late Ministry of Scientific Research and Cultural Affairs from the 22nd May to 18th June, 1959.

(b) The number of summer schools held and the expenditure incurred

each year upto and including 1962-63 is as follows:—

By whom organised	Year	Number of summer schools held	Expenditure incurred (to the nearest Rupee).
1. Ministry of Scientific Research and Cultural Affairs	1959-60 1960-61 1961-62 1962-63	One One Four Four	Rs. 48,829 Rs. 20,740 Rs. 1,04,844 Rs. 85,315
2. Council of Scientific & Industrial Research	1962-63	One (Winter School)	Rs. 8,931
3. University Grants Commission	1961-62 1962-63	Four Nine	Rs. 13,937 Rs. 47,753

(c) The information is given below:—

Name of the Organisation	Allocation made during 1963-64
1. Department of Science (Ministry of Education)	Rs. One lakh.
2. Council of Scientific and Industrial Research	Nil. However, an expenditure of Rs. 8,612 was incurred respect of one summer school.
3. University Grants Commission	Rs. 2.50 lakhs for holding of conferences, summer schools, seminars and refresher courses in all subjects (including science and engineering). No specific allocation has been made for summer schools in science and engineering subjects.

University for Technical Studies in Madras

1924. Shri M. P. Swamy: Will the Minister of Education be pleased to state:

1834 (Ai) L.S.D.—4.

(a) whether the Central Government or the University Grants Commission have received any information from the Madras Government or the Madras University about the proposal to set up a separate university for technical studies; and

(b) if so, their reaction to this proposal?

The Deputy Minister in the Ministry of Education (Dr. M. M. Das):

(a) No, Sir.

(b) Does not arise.

12.18 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

COLLISION BETWEEN GOODS TRAIN AND PASSENGER TRAIN ON THE SOUTHERN RAILWAY

Shri Nambiar (Tiruchirappalli): I call the attention of the Minister of Railways to the following matter of urgent public importance and I request that he may make a statement thereon:

The collision between a goods train and a passenger train on the Villupuram—Katpadi section of the Southern Railway on the 14th December, 1963, resulting in the death of one passenger and injuries to several others.

The Deputy Minister of Railways (Shri Shah Nawaz Khan): On 14th December, 1963, at about 04.45 hours, goods train No. 3634 Up while on the run from Velanandal to Tiruvannamalai stations on the Villupuram—Katpadi Section of the Southern Railway parted in mid-section. The rear portion consisting of 22 wagons rolled back to Velanandal, passed the station and collided with 872 Up Passenger train which was coming towards Velanandal. This resulted in ten wagons of the goods train and engine along with the first coach of the passenger train being derailed, capsized and telescoped. The loss to railway property has been assessed at rupees two lacs approximately.

[Shri Shah Nawaz Khan]

As a result of the accident, one passenger was killed, one was seriously injured and four suffered minor injuries. The driver of the passenger train also received serious injuries. The two firemen on the engine of the passenger train and the Guard of the goods train received minor injuries. The injured were attended to on the spot by the local doctors of Tiruvannamalai and the Assistant Surgeon, Tiruvannamalai who rushed to the site of the accident immediately. Except for the two grievously injured persons who are progressing in the hospitals, the others have been discharged. The body of the deceased Shri Subbaraman was sent to Pondicherry as desired by his relatives.

Divisional Superintendent, Tiruchirappalli accompanied by other Divisional Officers left by car immediately after the accident. Senior Deputy General Manager, Chief Medical Officer, Chief Mechanical Engineer and acting Chief Operating Superintendent of the Southern Railway also proceeded by road to the site immediately thereafter.

An *ex-gratia* payment of Rs. 500 to the relatives of the deceased person and Rs. 200 to the passenger who was seriously injured and Rs. 200 in all to those who received minor injuries was made. The injured railway staff were also paid *ex-gratia* Rs. 200 each.

Through communication which was interrupted was restored by 21.30 hrs. on 14th December, 1963.

The Additional Commissioner of Railway Safety, Bangalore, commenced his enquiry into the accident on 16th December, 1963. The cause of the accident will be known after he has completed his enquiry.

Shri Nambiar: This is a very serious accident which has occurred on account of the parting of a goods train. I would like to know whether this section is controlled, whether block operation was there, whether it was

not possible for the officials to find out the rolling back of the parted goods wagon, and how it could happen in broad daylight. This is a point which may be explained in some detail.

Mr. Speaker: Should the hon. Minister explain it or would that be known after the enquiry?

Shri Nambiar: It is not a question of enquiry. These are all elementary things. It is a question of the rolling back.

Mr. Speaker: If the hon. Minister wants to say anything, he may say it.

Shri Shah Nawaz Khan: As I said, the Additional Commissioner of Railway Safety is enquiring into the whole matter, and we would not like to say anything at this stage.

Shri Nambiar: This is the second time that such a parting was taking place. There was a similar accident previously also. May I know whether there was any enquiry at that time and any action was taken. At least if that had been done, this accident could have been avoided.

Mr. Speaker: These are the facts which the hon. Minister has just now. The other things will be known after the enquiry has been completed.

Shri Nambiar: There was a similar accident on the same section before.

12.22 hrs.

RE: APPOINTMENT OF COMMITTEE TO ENQUIRE INTO ALLEGATIONS AGAINST MEMBER

Mr. Speaker: Shri J. B. Kripalani had made a statement here the other day and he wanted that the Speaker should appoint a committee to go into the allegations that had been made against him by two of the Members.

As is known to hon. Members, the procedure here is that when a statement is made and it is challenged by another Member, then I allow the

other Member also to make a statement, when both are present, and if the first Member also wants to make a statement, he can also make it. Both are placed on the Table of the House and they form part of the record. The Speaker does not appoint any inquiry committee or any commission to go into the matter. This is only the privilege of the House; if any regular motion is made, of course, the House is sovereign and can take that matter up to make inquiries into allegations and come to any decisions and to appoint any committees for that purpose. So, it is not for me.

I just learn from the record that at that time, one of the hon. Members, Shri Harish Chandra Mathur had raised this point that on an earlier occasion when Shri Bagri's case was involved and Shri Hamayun Kabir had made a statement, I had done something of that sort to make an inquiry. But there is a distinction there. There was no inquiry that I made. Shri Humayun Kabir made a statement alleging that Shri Bagri had a particular document which was only a demand note and that he had represented it in such a manner that the Members must have understood that it was an audit note or an audit objection. Shri Bagri at once said 'Yes, that was a mistake', and he had only this audit note. Therefore, I said that when Shri Bagri had that clearly in his hand, he must not have observed as he did and given the impression that it was an audit note or audit objection. That was what I did at that moment. No inquiry was made. No committee was appointed, and there was nothing of that sort.

Therefore, there is no case, and I cannot appoint any committee or commission of inquiry. If someone wants and a regular motion is given, that would be for the House to decide.

12.15 hrs.

RE. QUESTION OF PRIVILEGE

Mr. Speaker: Shri Daji has given notice of a breach of privilege about the calling-attention-notice that he had given earlier about the Seventh Fleet.....

Shri Daji (Indore): On the 13th instant.

Mr. Speaker: I had passed it on to the hon. Prime Minister and he had fixed the date, and I had informed the House that he would make a statement on the 19th instant.

Shri Daji and one other Member has alleged that because that statement had been made by the Prime Minister elsewhere at some other place, when the facts were known to him earlier, he could have made it earlier here, and the two Members just want to have that taken up as a breach of privilege.

I shall postpone that, because the Prime Minister is not here just now. When the Prime Minister is here, I shall take it up. But at this moment, I could just make this much clear that there is no breach of privilege involved.....

Shri Daji: It is unfair that it is not taken up. But I request that I may be given an opportunity to express my opinion before you give your ruling. If you are not taking it up, then I may be given an opportunity to express my opinion.

Mr. Speaker: Yes, he might express his opinion. We need not take up the other question so far as those facts are concerned, whether he had information, whether it was appropriate or not and so on. I would only like to know from the hon. Member how this is a breach of privilege.

Shri S. M. Banerjee (Kanpur): He did make a statement outside the House.

Shri Daji: The facts are as have been mentioned by you....

Shri Tyagi (Dehra Dun): May I make a request? Since the Prime Minister's name has come in, and it is said that that was a statement made by him, I request that it may be taken up when the Prime Minister is here.

Shri Daji: I do not mind that.

Mr. Speaker: That is a different thing altogether. But I feel, and I have held so, so many times that the making of a statement elsewhere by a Minister is no breach of privilege, though it is desirable that when such a statement has to be made, it might be made inside the House. I have given those decisions so many times earlier whether it is proper or not, whether it is desirable or not. Those are different things altogether. I am not taking that up at this moment. The only thing that I have said is that this does not involve a breach of privilege.

Shri Nath Pai (Rajapur): Even the Prime Minister had said that he did not know earlier.

Shri Daji: The facts are clear, and you yourself have very well put the case. I would just like to go on record that the notice was given on the 13th instant, and the notice was passed on to the Government, I presume, as early as the office possibly could pass it on. And you, Sir, were good enough to observe yesterday, when the hon. Prime Minister was in the House and the matter was raised at about 12 noon or 12.30 P.M. that it was the privilege of Government to claim some time and that you had been pleased to give some time to them, or time up to the 19th instant.

I would further recall, before I come to the question of privilege, that this matter was there as such on the Order Paper of the 19th December, 1963, within the knowledge and notice of the House and within the knowledge and notice of the Prime Minister

who was present in the House yesterday when this remark was made by the Chair.

After that, the hon. Prime Minister went to the other House. There was no motion, and no notice on the Order Paper there....

Mr. Speaker: I would not allow references to be made to what happened in the other House.

Shri Daji: A statement was made by him there....

Mr. Speaker: The hon. Member will kindly note that when I made my observation I only said that a statement had been made elsewhere. That is all, and the hon. Member also should proceed on the same lines.

Shri Hari Vishnu Kamath (Hoshangabad): He can say 'the other place'.

Shri Daji: Yes, I shall say that a statement was made in the other place.

What is much more objectionable is that a group of pressmen are reported to have met him immediately after the visit of General Taylor, and, thereupon the Prime Minister had made this statement to a group of reporters, as has been reported in the press. I am only going by the press reports. If it is incorrect, that is a different matter. Your observations and those of your predecessors are that we need not take up this matter again and again in the House simply because they relate to issue of policy statement somewhere else when the House is sitting. But, here is an instance where the item has been put on the agenda or the Order Paper, and Government have come forward before the House and claimed time for the same, and that time has been awarded to them; and on the same day within a few hours after the matter had been raised here, a spokesman of Government goes out and makes a statement

on the subject elsewhere. I submit that is no parallel case where a *suo motu* statement has been made on an issue coming up in this way. The observations of the Chair would have been relevant if the matter had not been raised here but in this case where the matter has been raised and it has been put on the Order Paper, it would not be proper to apply those observations.

I rely upon May's *Parliamentary Practice* in this connection. First of all, I would make a reference to page 120. Apart from the list of contents showing the accepted list of privileges, there is a paragraph there saying:

"OTHER INDIGNITIES OFFERED TO EITHER HOUSE:

Other acts besides words spoken or writings published....".

Mr. Speaker: I shall keep that pending. The hon. Member has raised a point which I have not considered, namely that it was on the agenda. I shall also study whether it can be considered that it is on the agenda, and whether that makes a difference, and take it up when the Prime Minister is also here.

Shri Hari Vishnu Kamath: On a point of information. This has happened not for the first time now. Is it not open to you in your capacity as the custodian of the rights and privileges of the House to enquire from any Minister, whether the Prime Minister or any other, why he chooses to make a statement in the other place and not in this House, especially before he has made a statement here in response to a calling-attention-notice or a short notice question on the subject tabled earlier? Is it not open to you to enquire of the hon. Minister about this matter?

Mr. Speaker: It is not open to me to do it.

Shri Sarjoo Pandey rose—

Shri Daji: It is open to the House.

Mr. Speaker: I cannot say that he should not make a statement elsewhere but should first make it here.

Shri S. M. Banerjee: Even when the matter is pending here? He has a right to make a statement elsewhere *suo motu*. But here the House is seized of the problem.

Mr. Speaker: I am very sorry. I have already said that I will take it up later. But again he raises it. It was a different question altogether that was taken up by Shri Kamath and then another hon. Member interfered.

श्री सरजू पण्डेय (रसड़ा) : मेरा यह निवेदन है कि मैंने स्टैंड प्रश्न दिया था . . .

अध्यक्ष महोदय : उम्मा जवाब मैं इस तरह नहीं दे सकूंगा ।

श्री सरजू पण्डेय : मैं चाहता हूँ कि इस मामले में दखल दें

अध्यक्ष महोदय : माननीय सदस्य इस तरह से जवाब चाहेंगे तो मैं नहीं दे सकूंगा ।

12.30 hrs.

DETENTION OF MEMBER

Mr. Speaker: I have to inform the House that I have received the following wireless message, dated the 17th December 1963, from the Judicial Officer, Aligarh:—

"Shri B. P. Maurya, Member, Lok Sabha, also detained in crime No. 721, under Rule 41, Defence of India Rules, of p.s. Kotwali Aligarh, for delivering objectionable speeches on the 6th August 1963, at Aligarh. He is already detained in crime No. 707 under Rule 41(c) of Defence of India Rules, p.s. Kotwali Allahabad, in Naini Jail, Allahabad."

श्री राम सेवक यादव (वाराणसी) : इस सिलसिले में मैं एक जानकारी चाहता हूँ। यह जानकारी श्री मौर्य के बारे में है। उस दिन गृह मंत्री ने कहा था कि जो आप ने सूचना दी थी उससे अधिक वे कोई सूचना नहीं दे सकते। कल मुझे श्री मौर्य का पत्र मिला और उस सदन में भी शायद श्री हजरतबीस

अध्यक्ष महोदय : उस सदन की किसी कार्रवाई का आप यहां हवाला नहीं दे सकते।

श्री राम सेवक यादव : यह कहा गया कि श्री मौर्य के खिलाफ वारंट था और पुलिस वारंट लेकर उनको गिरफ्तार करने गयी थी। लेकिन मुझे पता चला है कि पुलिस वारंट लेकर नहीं गयी थी और उनका बिना वारंट के ही गिरफ्तार किया गया। क्या इस मामले पर गृह मंत्री प्रकाश डालेंगे ?

Mr. Speaker: Papers to be laid on the Table.

12.31 hrs.

PAPERS LAID ON THE TABLE

INFORMATION RE: CRASH OF IAF DAKOTA

The Minister of Defence (Shri Y. B. Chavan): I beg to lay on the Table a statement regarding release to the press of the information about the crash of an I.A.F. Dakota near Banihal Pass on the 22nd November, 1963. [Placed in Library. See No. LT-2154/63].

PAPERS UNDER COMPANIES ACT

The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan): On behalf of Shri Humayun Kabir, I beg to lay on the Table:

(1) a copy each of the following Reports under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Annual Report of the Indian Refineries Limited,

New Delhi, for the year 1962-63, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-2155/63].

(ii) Annual Report of the Hindustan Organic Chemicals Limited, Bombay, for the year 1962-63, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-2156/63].

(iii) Annual Report of the Indian Drugs and Pharmaceuticals Limited, New Delhi, for the year 1962-63, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-2157/63].

(2) a copy each of the Reviews by the Government on the working of the above Companies.

REGISTRATION OF NEWSPAPERS (CENTRAL) FOURTH AMENDMENT RULES

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a copy of the Registration of Newspapers (Central) Fourth Amendment Rules, 1963, published in Notification No. G.S.R. 1809 dated the 23rd November 1963, under sub-section (2) of section 20A of the Press and Registration of Books 1867. Press and Registration of Books Act, 1867. [Placed in Library. See No. LT-2158/63].

PAPERS UNDER INSTITUTES OF TECHNOLOGY ACT

The Deputy Minister in the Ministry of Education (Dr. M. M. Das): On behalf of Shri M. C. Chagla, I beg to

lay on the Table a copy each of the following papers under sub-section (1) of section 27 of the Institutes of Technology Act, 1961:—

- (1) Statutes of the Indian Institute of Technology, Madras. [Placed in Library. See No. LT-2159/63].
- (2) Statutes of the Indian Institute of Technology, Kharagpur. [Placed in Library. See No. LT-2160/63].
- (3) Statutes of the Indian Institute of Technology, Bombay. [Placed in Library. See No. LT-2161/63].
- (4) Statutes of the Indian Institute of Technology, Kanpur. [Placed in Library. See No. LT-2162/63].
- (5) Statutes of the Indian Institute of Technology, Delhi. [Placed in Library. See No. LT-2163/63].

INDIA'S NOTE TO PAKISTAN

Shri Satya Narayan Sinha: On behalf of Shrimati Lakshmi Menon, I beg to lay on the Table a note dated the 13th December 1963, delivered by the Indian High Commission, Karachi, to the Ministry of External Affairs, Government of Pakistan, Karachi. [Placed in Library. See No. LT-2164/63].

STATEMENT CORRECTING ANSWER TO QUESTION

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): I beg to lay on the Table a statement correcting the reply given on the 4th December 1963, to a supplementary by Pandit D. N. Tiwary on Starred Question No. 367 regarding warning to certain newspapers under DIR. [Placed in Library. See No. LT-2165/63].

REPORT OF NATIONAL RESEARCH DEVELOPMENT CORPORATION

Dr. M. M. Das: I beg to lay on the Table a copy of the Annual Report of the National Research Development Corporation of India, New Delhi (English and Hindi versions) for the year ending the 31st March 1963, along with the audited accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956. [Placed in Library. See No. LT-2166/63].

RULES UNDER DIA

The Minister of Planning (Shri B. R. Bhagat): On behalf of Shrimati Tarkeshwari Sinha, I beg to lay on the Table a copy each of the following Rules under section 41 of the Defence of India Act, 1962:

- (i) The Defence of India (Twelfth Amendment) Rules, 1963, published in Notification No. G.S.R. 1815 dated the 20th November, 1963.

- (ii) The Defence of India (Thirteenth Amendment) Rules, 1963, published in Notification No. G.S.R. 1849 dated the 30th November, 1963.

[Placed in Library. See No. LT-2167/63].

12.35 hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

- (i) In accordance with the provisions of rule 123 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 16th December, 1963, agreed without any amendment to the Central

[Secretary]

Boards of Revenue Bill, 1963, which was passed by the Lok Sabha at its sitting held on the 5th December, 1963.'

- (ii) 'In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Indian Tariff (Second Amendment) Bill, 1963, which was passed by the Lok Sabha at its sitting held on the 13th December, 1963, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill.'

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-FIRST REPORT

Shri Krishnamoorthy Rao (Shimoga): I beg to present the Thirty-first Report of the Committee on Private Members' Bills and Resolutions.

12.36 hrs.

SLUM AREAS (IMPROVEMENT AND CLEARANCE) AMENDMENT BILL

REPORT OF JOINT COMMITTEE

Shri Thirumala Rao (Kakinada): I beg to present the Report of the Joint Committee on the Bill to amend the Slum Areas (Improvement and Clearance) Act, 1956.

PUBLIC ACCOUNTS COMMITTEE SEVENTEENTH REPORT

Shri Tyagi (Dehra Dun): I beg to present the Seventeenth Report of the Public Accounts Committee on the Appropriation Accounts (Defence Services) 1961-62 and Audit Report, 1963.

GOA, DAMAN AND DIU JUDICIAL COMMISSIONER'S COURT (DECLARATION AS HIGH COURT) BILL*

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): On behalf of Shri Jawaharlal Nehru, I beg to move for leave to introduce a Bill to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes of the Constitution.

Shri U. M. Trivedi (Mandsaur): On a point of order. I would like to know whether the pronunciation of the word 'Daman' used by the hon. Minister is correct. He pronounced it as 'Daaman' and not 'Daman'. Some people will hear it and they will say that we do not know the names of our towns.

Mr. Speaker: The hon. Minister in charge of Information and Broadcasting is not broadcasting at this moment.

Shri Hari Vishnu Kamath: I am not opposing the introduction of the Bill. But may I ask on a point of information why it is that two years after the liberation of this Union territory from Portuguese imperialism and even after the recent successful conclusion of elections to Parliament and to the Territorial Council, this territory of Goa should continue to be in the protective custody of the External Affairs Ministry and not under the Home Ministry? Is the Home Minister not capable of looking after them?

*Published in the Gazette of India Extraordinary Part II, Section 2, dated 18-12-63.

Mr. Speaker: We will see when it comes.

Shri Hari Vishnu Kamath: Is not the Home Ministry competent to deal with this matter? It should be transferred from the External Affairs Ministry to the Home Ministry.

श्री प्रकाशवीर शास्त्री (विजनीर) : अध्यक्ष महोदय, आचार्य कृपालानी जी ने अपने ऊपर लगाये गये आरोपों के सम्बन्ध में एक समिति नियुक्त करने के सम्बन्ध में आप से निवेदन किया था। आप ने अभी यह कहा कि यदि विधिवत कोई प्रस्ताव आवेगा तो मैं उस पर विचार कर सकता हूँ। मैं प्रस्ताव करता हूँ कि आचार्य कृपालानी

अध्यक्ष महोदय : इस तरह नहीं, आप लिख कर दें तो मैं उस पर गौर करूँगा।

श्री प्रकाशवीर शास्त्री : मैं ने लिखित रूप में दे दिया है।

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes of the Constitution."

The motion was adopted.

Shri Satya Narayan Sinha: I introduce the Bill.

12.38 hrs.

PREVENTIVE DETENTION (CONTINUANCE) BILL—contd.

Mr. Speaker: Further consideration of the following motion moved by Shri Nanda on the 17th December, 1963, namely:

"That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration".

Shri Koujalgi may continue his speech.

Shri M. R. Masani (Rajkot): May I know when you propose to call on the hon. Minister to reply?

Mr. Speaker: 4 o'clock?

Shri U. M. Trivedi (Mandsaur): We had agreed to have 10 hours. We will not be able to finish it within that time.

Mr. Speaker: Would the Minister like to reply tomorrow?

The Minister of Home Affairs (Shri Nanda): Yes.

Mr. Speaker: We will conclude the debate today and tomorrow the Minister will reply.

Shri H. V. Koujalgi (Belgaum): Yesterday I was speaking about anti-social activities in rural areas. At least it is my experience that in some villages or in a rural area, *goondas* practically rule. They commit atrocities, extortion and harbour criminals and dacoits. They see that no evidence comes before the court if they are dragged to the court. The whole peace of the village is disturbed only by these one or two persons.

There are cases where a person who gives evidence against another person in a court is murdered or grievously hurt. So, it is difficult even for the police to keep watch against them; nobody comes forward to give evidence in an open court.

Then, what about the communal riots? They go on here and there, not because of trouble between two communities because there are one or two persons who instigated such troubles taking advantage of the ignorant and poor people. If we study the root cause of the communal riots, we can see that it is these anti-social persons who misuse the constitutional rights and try to commit a breach of the law, rather than observe them.

[Shri H. V. Koujalgi]

12.41 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

In foreign democratic countries, the laws are obeyed. If they do not like it, they take to constitutional methods to see that the laws are changed. Here the laws are observed more in breach than in obedience, with the only object of getting some personal benefit. They do not look to the interest of the country.

This Act has some safeguards also. An advisory body has been formed. The aggrieved party has a right to be heard; if there are any legal mistakes, he can go even to the High Court. It is the primary duty of the Government to maintain the security of the country. Since we see that there are pro-Pakistani activities and pro-Chinese activities, there are smugglers and blackmarketeers, it is the Government that knows whether this measure is necessary or not. In my humble opinion there are justifiable reasons for the continuance of this Bill on the statute book at least for some more time.

12.46 hrs.

POINT OF PROCEDURE

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Deputy-Speaker, may I seek your ruling on one point? On the 11th of this month, last Wednesday, the Home Minister made a statement in the afternoon correcting a reply which he has given to a question in the morning. I objected to it at that time on the ground that proper notice had not been given to the Members who had raised that question. You overruled the objection and said that you would go into the matter later. I invite your attention to direction 115 of the Directions by the Speaker where the procedure in regard to this matter is clearly laid down.

"(1) A member wishing to point out any mistake or inaccuracy

in a statement made by a Minister or any other member shall, before referring to the matter in the House, write to the Speaker pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House.

- (2) The member may place before the Speaker such evidence as he may have in support of his allegation.
- (3) The Speaker may, if he thinks fit, bring the matter to the notice of the Minister or the member concerned for the purpose of ascertaining the factual position in regard to the allegation made."

Then comes the crucial part, the relevant part of the direction.

- (4) The Speaker may then, if he thinks it necessary, permit the members who made the allegation to raise the matter in the House and the member so permitted shall, before making the statement, inform the Minister or the Member concerned."

Here, neither my colleague Mr. Dwivedy nor my hon. friend Mr. Ranga was informed. It was, therefore, not in order. But now it is a *fait accompli*; nothing can be done about it. It cannot be undone. But I hope that this will not be a precedent for the future.

Mr. Deputy-Speaker: I fully agree with the hon. Member. I am sorry for the omission in this matter. I will take care that such omissions will not occur again. **Mr. Frank Anthony.**

12.47 hrs.

PREVENTIVE DETENTION (CONTINUANCE) BILL—contd.

Shri Frank Anthony (Nominated—Anglo-Indians): Mr. Deputy-Speaker,

I feel that this Bill although ostensibly small has not only deep but ominous significance for the country. I have great regard for the present Home Minister. He is a good man, perhaps inclined to be a little naive and as I shall show a little later, however good he may be his naivete may be a disqualification. He is more helpless than the courts in this country in the face of a law of this description. What disturbs me is the cavalier approach of the Government on the one side and the utter casualness—I say this with a great deal of respect—of the overwhelming majority of the Members of this House, especially on that side to the automatic re-enactment of this Bill. This augurs ill for the future of our infant democracy. Members of this House seem to have forgotten that our Constitution has been found to be defective in many parts as shown by the repeated amendments. I hope that most of them will agree at least in one part that it was not only reactionary but it was shameful. I refer to article 22 of the Constitution which the hon. Home Minister also had invoked. There we sought to sanctify in our Fundamental Rights detention without trial in times of peace. It may be said that at the time when the Constitution was framed there was an excuse, if it was an excuse, that we had the holocaust of Partition, terrible communal riots giving us the consciousness of unbridled violence near the surface of our national life. Because of that, perhaps those special circumstances which no longer exist today, we gave this reactionary hostage to national security. The growth of subversion, techniques of subversion and violence of the Communist Party and the expression of that in Telengana and elsewhere induced me, so far as I am concerned, to a reluctant acceptance of the Preventive Detention Act of 1950. But I say this, as a practising lawyer and as a Member of this House, that this provision in the Constitution is a blot on the Constitution.

An Hon. Member: Hear, hear.

Shri Frank Anthony: It is a cause for standing shame to a country that professes to govern by the canons of a civilised democratic society. And I am not saying that for the sake of saying it. I was one of India's representatives at the Commonwealth Parliamentary Conference which was held in 1957 for the first time in Asia. I was one of those members who bitterly criticised South Africa for its uncivilised policies—Apartheid and race discrimination. Then we were told bluntly by the South African representatives, "You Indians, you are only either deliberately cynical or, what is worse, you are unctuous hypocrites. You should not dare point a finger at South Africa, then, in your Constitution, you have institutionalised, sanctified detention without trial in times of peace." We Indians had perforce to hang our heads in shame: at the bar of world opinion we hang our heads in shame. Whatever justification there may have been for this provision in the Constitution because of the violent birth-pangs of our Republic, 16 years after, there is no justification. It is an indictment of the Government. It is an indictment, according to the Government, of the capacity of our people for democracy. I say it is an indictment of the Government's capacity for democracy.

I say this also, that as long as we have a provision in the Constitution for preventive detention without trial, an oath to the Constitution becomes a mockery. As a person who knows not a little about constitutional law, at least today I say this, that it means that we take an oath to uphold detention without trial in times of peace, something which should be the object not of an oath but an object of execration. Would it not be much more honest, would it not be at least much more meaningful if instead, we took an oath here to uphold the democratic way of life, to uphold the rule of law, not in the statute law sense but the rule of

[Shri Frank Anthony]

law in the real sense, in the sense of *Jus*, in the sense of the principles of natural justice, in the sense of the canons of civilised communities? Then, by such a meaningful oath, we will be committed not to support the Constitution at least in this respect—we would be committed deservedly to do everything possible to destroy at least this particular blot on the Constitution.

I say this: there tends to be unthinking, uninformed, ignorant glorification of our Constitution because only the ignorant can glorify our Constitution as being something infallible, something immutable. We the constitutional lawyers know its many glaring defects. Many of us who participated in the framing of the Constitution had no practical experience of constitutional law. We know it now. But even then, after having first accepted it, in the draft Constitution, the due-process clause, whatever the reasons were, we rejected the due-process clause, which would have entrenched the rule of law in its real sense, in the sense of observance of the principles of natural justice in this country.

The Home Minister does not seem to know much about constitutional law, otherwise he would not have dared to talk about fundamental rights; he would not have dared to say that we have the sanctity of the Constitution for preventive detention. It is a shameful thing to invoke the Constitution, to invoke a part of the fundamental rights as a sanction for detention without trial in times of peace, which is something utterly abhorrent and must be abhorrent to any civilised community.

I say this: when we substituted the expression "procedure established by law" hand unfortunately it has been affirmed by the Supreme Court as meaning merely statute law, we have placed the country in this position. I

am asking the Home Minister to think a little on deeper and more dignificant values. There was an argument that "procedure established by law" meant in effect the due-process clause. The Supreme Court was pleased by a majority decision to turn it down, but when we have this substitute expression, "procedure established by law" meaning only the statute law, we place the country, if not today then tomorrow, at the mercy of any unprincipled dictator, at the mercy of any ruthless totalitarian party, be it Communist or any other. Because when we talk, when we equate statute law with the rule of law, there is just as much in that sense rule of law in Pakistan, or in the soul-destroying, dehumanising communist dictatorships as there is in India today.

I say that according to our Constitution unfortunately to the interpretation that has been given to it by the Supreme Court, any law, however evil, once put on the statute-book, becomes a rule of law for India. That is the position under our Constitution; and unlike the position in the American Constitution, it cannot be challenged. It cannot be struck down against the due process. It cannot be struck down against the test of *Jus*, the verities of natural justice. I say this, that the rule of law in its radical and in its essential sense—the Home Minister has not understood it—is the predominance of the legal spirit and the predominance of *Jus*, the principles of natural justice. Of that, there is tragically less and less evidence in the Government of this country today.

What deeply disturbs me is this, that the overwhelming majority of Members of this House—all honourable men—should accept without a murmur of protest, and worse than that, some with brazen support, some Members brazenly supporting this utterly evil device of detention without trial in times of peace....

Shri Nambiar (Tiruchirapalli): Why some? All of them.

Shri Frank Anthony: Some brazenly, and others at least without a semblance of any perturbation. (*Interruption*) It is not only turgid; it is a dangerous commentary on the progressive deadening of the legal conscience in the Government. Worse than that, it is a tragical commentary on the progressive deadening of the legal conscience of the majority of the Members of this House. I should have thought that any Government, with any semblance of legal conscience, would, 16 years after Independence, have paused at least before automatically re-enacting a measure which was avowedly put on the statute-book to meet, as I said, the birth-pangs of our Republic. As I said, whatever justification there was at that time, there is no justification today. According to the Government, today, there is a continuing emergency. But few people would think that there is a continuing emergency in the country today. If we look at the leisurely, red-tape-ridden, chronic complacency and in large parts chronic corruption in the administration, few people would think that there is an emergency or any semblance of an emergency at least in the Government thinking. But, in any case, assuming there is some kind of emergency, the Home Minister has his Defence of India Rules, which are much more sweeping and much more draconian than the Preventive Detention Act.

I would have thought that any Government, with a semblance of conscience, would have hesitated to re-enact it at this stage. They would have said; "We have got these more sweeping and more draconian powers." But my real fear is this, that Preventive detention has come to stay; that in spite of all the mealy-mouthed professions of the Government, this automatic re-enactment means, and underlines the fact, that detention without trial in times of

peace has become an integral and evil part of the legislative pattern of this country. My greater fear is this that the Government today, functioning essentially under a monolithic one-party system and increasingly impatient of the judicial and constitutional controls, with, under the pretext—that in my greater fear—of a continuing emergency, make the Defence of India Rules a permanent part of our legislative pattern. That is my greater fear, that this continuing emergency will become a permanent emergency.

I am making some kind of apology for the Government, not for my hon. friend Shri Nanda. I believe this also. It is endemic in human nature that no Government drunk with power, corrupted by power, will readily surrender the instruments of executive despotism and we cannot expect this Government drunk with power over a period of 16 years readily to surrender the instruments of executive despotism. But I am prepared to concede this that as long as the communist party is allowed to function unhampered in this country which has an avowed policy of subversion and violence, there will always be a threat to national security.

13 hrs.

I blame Mr. Gulzari Lal Nanda and his Government; I blame the Government of India, because what do the communists do today? They flaunt their so-called pro-Peking wing. I say this that so far as the communists are concerned, I have proved myself pretty accurate. In case—God forbid—we have another real national crisis, this distinction between the pro-Peking wing and the pro-Moscow wing will not be there. In case there is another national crisis and threat to the security of the country, both these wings, the pro-Peking wing and the pro-Moscow wing, will be found to follow the same techniques and same policies.

Shri Namblar: You are an accurate astrologer!

Shri Frank Anthony: Yes; I am a pretty accurate astrologer. Who is to blame? I blame the Government. Obviously today, as my friend, Mr. Masani said, under pressure from its loud-mouthed communist cell in the Congress Party, the Government increasingly pampers the communist party. I do not know for whose benefits it has gone through the motions of locking up a few communists; probably to impress our democracies in the west they have done that. But in the final analysis, it is not only rank hypocrisy, but it is much worse. I am sorry to use rather harsh words to my rather mild friend, Shri Gulzari Lal Nanda. I am saying this to him for the Government. It is not only rank hypocrisy, but it is sheer political skulduggery. I could find perhaps harsher words for a Government on the one hand to pamper the communists and on the other to use their subversion and violence as an excuse for perpetuating the Preventive Detention Act.

There has been no attempt to soften—here I speak with professional knowledge—the proven rigours, I go further and say inhuman asperities, of the Preventive Detention Act. Some of my hon. friends, misguided and uninformed, in the Congress Party have talked of the scrutiny of the courts. I say with great respect, they do not know what they are talking about. Let me give some comparisons. Even under Regulation 18B, which was enacted in Great Britain in order to meet the exigencies of the world war, even there they were allowed the aid of lawyers before the advisory council. That was in the face of a world war. Here today no lawyer is allowed before the advisory board.

I concede that you have an advisory board. I am prepared even to con-

cede that the chairman, who is usually a High Court Judge, is supposed to be an independent gentleman. But as a practising lawyer, I say that the advisory boards are a mockery and a sham. I say that advisedly. I know that on paper there are the qualifications of 10 years. Any briefless lawyer who is supposed to be a practising lawyer for 10 years can be a High Court Judge. But the Law Commission has itself pointed this out that this Government has been responsible for making appointments not only to the High Courts, but to the Supreme Court because of unworthy political considerations. A Government that can destroy the independence of the judiciary by appointing members to the Supreme Court not because of their worth, but for political considerations, can we believe that they will appoint members to the advisory boards, unless their first qualification is utter subservience and that of being political lickspittles? I know what these advisory boards are like. Assuming that here and there by accident you have an advisory board that is impartial, the advisory boards are utterly impotent. My friends do not even know the law. Let Mr. Gulzari Lal Nanda look at section 7(2) of the Preventive Detention Act. Any little unprincipled, unscrupulous District Magistrate—God knows how many unprincipled, unscrupulous District Magistrates there are in the country—merely has to say under section 7, clause 2 that in the public interest, the grounds will not be disclosed and no ground are made available to the advisory board.

Much more than unprincipled District Magistrates, the country today is over-run by unprincipled, unscrupulous Ministers, not perhaps so much at the Centre, but in the States. The Minister perhaps does not know it. In some States, there is political gansterism, where the liberty of the subject is not worth a moment's purchase. So

far as courts are concerned, their scrutiny has been completely ousted. In 1679—I can elaborate it, but I would not—the British Habeas Corpus Act, 300 years ago, made the grounds of detention subject to judicial scrutiny. But nothing at all here. A District Magistrate, under compulsion from an unscrupulous Minister, merely has to specify the grounds that are not vague. They may be the most palpably, the most outrageously, most demonstrably untrue, but the courts cannot look at them. He only has to say this—if he does not act under section 7(2)—if Shri Gulzari Lal Nanda is sitting on this side, that he is a Pakistani spy or that he is manufacturing bombs, and no court can look at the demonstrably false character of these grounds.

There is another point. I do not know whether Shri Nanda knows it. It is a challenge to his conscience, if he has any left as a member of the Government. Under the Preventive Detention Act, any citizen can be thrown into jail to rot there for the whole of his life. Does he know that? He has got a provision of one year at a time. But does he know how the Supreme Court has interpreted it? It is one year at a time, so that just before a man is finishing one year, you fabricate another order and serve it on him before he comes out of jail. I have personal knowledge. In anticipation of these orders being struck down by the Supreme Court or any other court, fresh orders are fabricated and served on the men either when they are coming out of the jail or before they come out of the jail.

Let me illustrate all these evil things by only one case that I know of. I say it is a typical case. The man was whisked away. For over a month his wife and children did not know where he was. When they did, they engaged me to argue the matter in the High Court. Perhaps being an ingenious lawyer, by a fine legal point, I had the order struck down. But what was the moral of that case? Be-

cause that man had the certainty that he would be maliciously thrown back into jail perhaps to rot there for the rest of his life, he became a fugitive from his wife and family, a fugitive not from justice, but from the prostitution of justice that masquerades for democracy in India today.

I say that the first amendment that Shri Gulzari Lal Nanda should have brought should have been the amendment of article 22. It would have been a measure of the growth of democratic values in our democracy. But the fact that today Government is automatically re-enacting it is a measure of Government's increasing incapacity to govern according to the canons of civilised government. And I say that it is more tragic and the very fact that a majority of the members of this House have to acquiesce in it shows the appalling measure of the moral degradation that the Government has imposed on the nation.

श्री यमुना प्रसाद मंडल (जयनगर) :
उपाध्यक्ष महोदय, अभी जब मैं एक बड़े विद्वान प्रैक्टिसिंग वकील श्री एन्थोनी को सुन रहा था तो मैं उन को केवल यह बतलाना चाहता था कि किन परिस्थितियों में २५ फरवरी, १९५० को यह बिल पेश हुआ था और उस वक्त महान आत्मा सरदार पटेल, जो अब स्वर्ग में हैं, ने २५ फरवरी को किन किन बातों की सफाई देते हुए इस को पेश किया था। चूंकि श्री हरि विष्णु कामत ने यहां कहा कि यह बिल अनडिमाक्रैटिक है इसलिये मैं सरदार पटेल के ही कुछ शब्दों को पढ़ कर सुनाना चाहता हूं। सरदार पटेल ने २५ फरवरी, १९५० को कहा था कि :

"I shall not weary the House by telling it how exactly the communists in India, who have been by far the largest number of detenus, constitute a danger to the existence and security of the State which has been brought into being by the sacrifices and sufferings of millions of our people. It would

[श्री यमुना प्रसाद मंडल]

be a poor return for those sacrifices and sufferings if we fail to preserve the liberties which we have won after so much struggle and surrender them to the merciless and ruthless tactics of a comparatively small number of persons whose inspiration, methods and culture are all of a foreign stamp and who are as the history of so many countries shows linked financially, strategically, structurally and tactically with foreign organisations. If anybody wishes to seek justification for our policy against them in cold print, he can do so in the pages of the pamphlet which we issued last year, illustrating the methods and instances of communist violence."

इन सब बातों को देखते हुए उन्होंने यह बिल पेश किया था फिर वह एक ऐक्ट के रूप में आया जिस की पुनरावृत्ति सन् १९६० में हुई। कुछ आप यह भी सुनें कि उन लोगों ने क्या क्या बातें की तब आप का पता चल जायेगा कि इस की कितनी आवश्यकता है।

कल जो हमारे जन संघ के सुयोग्य सदस्य बोल रहे थे उन को स्टेटमेंट नं० ६ को उलटना चाहिये और देखना चाहिये कि ४४ करोड़ लोगों में से अगर दो, चार, दस आदिमियों को नजरबन्द कर भी दिया गया तो कोई बड़ी बात नहीं है। खासकर जो हमारी लेडी मेम्बर रेणु चक्रवर्ती हैं, इस समय वे नहीं हैं, लेकिन मैं उन को बतलाना चाहता हूँ कि मैंने स्टेटमेंट का अध्ययन किया है और पाया है कि वेस्ट बंगाल के नजरबन्दों की संख्या काफी है। उस में भी लोग ऐडवाइजरी बोर्ड के सामने गये थे। कुल संख्या वेस्ट बंगाल की जो स्टेटमेंट नं० ६ में दी हुई है वह २२६ है। यह जान कर भी आप को बड़ी खुशी होगी कि ऐडवाइजरी बोर्ड से ५० लोग छूट भी गये हैं। हमारे प्रैक्टिसिंग वकील किस तरह से यह सारी बातें कह गये, मुझे पता नहीं। पता नहीं किस तरह से जुडीशियरी

के इतने सुन्दर विद्वान होते हुए इन सब बातों को उन्होंने दरकिनार कर दिया, लेकिन यह बड़े आश्चर्य की बात है।

13.15 hrs.

[SHRI THIRUMALA RAO in the Chair]

हमारे देश में ४४ करोड़ लोग हैं, दुर्भाग्य से इन में कुछ गुंडे लोग भी हैं जो सारे देश में कुव्यवस्था फैलाना चाहते हैं। कोई भी सरकार इस को कैसे सहन कर सकती है। जैसा हमारे सुयोग्य गृह मंत्री जी ने बतलाया आज लोग इस तरह स्वतन्त्रता के छोटे से वृक्ष को नुकसान पहुंचाने की कोशिश करते हैं। स्टेटमेंट नं० ३ में बतलाया गया है कि वेस्ट बंगाल में २५५ लोग गुंडाइज्म के लिये, हिंसात्मक ऐक्टिविटीज के लिये या बैंड कैरेक्टर होने के कारण गिरफ्तार किये गये, जो कि कम्यूनल एजिटेशन करते थे और डकैत जैसे लोगों का साथ लेते थे। इसी स्टेटमेंट में पंजाब में केवल २ लोग सी० पी० ग्राई० के गिरफ्तार किये गये हैं। इसी तरह से केवल एक आदमी एच० एस० का गिरफ्तार हुआ है। साफ तौर से तो नहीं बतलाया गया है लेकिन शायद इस का अर्थ हिंदू महा सभा होगा। इन सब बातों को देखते हुए यह साफ पता चलता है कि इस कानून की बहुत ज्यादा जरूरत है। अगर हम हिन्दुस्तान के अन्दर कुव्यवस्था लाना चाहते हैं तो यह कानून हमारे लिये बहुत जरूरी है।

जिस दिन पहली बार यह बिल पेश हुआ था उस दिन श्री कामत ने कहा था कि वह दिन बड़ा महत्वपूर्ण था। उन्होंने उस को रेड लेटर डे तो नहीं कहा था लेकिन बहुत इम्पार्टेंट माना था। २५ फरवरी, १९५० के दिन उन्होंने कहा था कि :

"this day will be regarded by many of us, though not a red-letter day, but, a very important day in the history of the Republic."

और यह कहते ए आखीर में उन्होंने उम को सपोर्ट किया था। मैं समझता हूँ कि आज भी हिन्दुस्तान में जैसी परिस्थिति हो रही है, जिस तरह से कुछ लोग गुंडाईज्म फैला रहे हैं, उस को देखते हुए इस कानून की बहुत ज्यादा जरूरत है।

इसके आगे कामत साहब ने उस समय यह भी कहा था कि :

"It is in this light and in this hope, the hope that these powers would be very wisely and sparingly exercised, that I extend my support to this Bill."

यह बात विद्वान वक्ता श्री कामत ने २५ फरवरी, १९५० को कही थी। आप सांचिये कि किसी भी देश के इतिहास में १२ वर्ष की अवधि कोई ज्यादा नहीं होती है। फिर जब हम केवल इस को तीन साल के लिये बढ़ाना चाहते हैं तो कोई जरूरी नहीं है कि हम इस को इस तीन साल की अवधि के अन्दर पुनर्विधित न करें।

आखीर में मैं दो एक बातें कहना चाहता हूँ। सरदार पटेल ने जिस परिस्थिति में इस देश को बताया वह आप का मालूम है। उन्होंने यह भी कहा था कि संविधान की २२ नं० की धारा में जो लैकुना रह गया है नहीं रहना चाहिये था। बिल को पेश करते हुए कहा था "यह लैकुना इसलिये रह गया कि मैं बीमार था। अगर मैं बीमार न होता तो यह लैकुना न रहता। इसी लैकुना को खत्म करने के लिये मैं यह बिल लाया हूँ।"

मैं इस सदन का अधिक समय न ले कर केवल इतना कहना चाहूंगा कि कोई भी मानवीय मैशीनरी बिल्कुल पफेक्ट नहीं हो सकती। उस में कुछ न कुछ कमी रह ही जाती है। If man is perfect, he is a superman. हम लोग बहुत कोशिश कर रहे हैं और चाहते हैं कि देश में एक नई

व्यवस्था आये। जब तक सारे गुंडों को मिटा नहीं दिया जाता, जब तक वह युनहला दिन नहीं आता तब तक इस कानून को रखना होगा।

अंत में मैं यह कहूंगा कि जिस तरह से सरदार पटेल ने हिन्दुस्तान का एक नया इतिहास दिया, हमारे वर्तमान गृह मंत्री भी एक इतिहास कायम करेंगे। विजिलेंस कमीशन की बात कही गई है, और और बातें उन्होंने कही हैं, जिस तरह से वे प्राफिटिंग और करप्शन को मिटाना चाहते हैं उस में हम सब लोग सहयोग देंगे।

इन शब्दों को कहते हुए मैं हार्दिक रूप से इस एक्ट को जारी रखने के सम्बन्ध में अपनी सहमति व्यक्त करता हूँ।

Mr. Chairman: Dr. Ram Manohar Lohia.

श्री रामसेवक यादव : सभापति महोदय, सदन में कोरम नहीं है।

Mr. Chairman: All right. The bell is being rung. Now the quorum is there. The hon. Member can begin his speech. But, at the outset, I would like to inform him that there is not much time for his party according to the division of time for various parties.

डा० राम मनोहर लोहिया (फर्रुखाबाद) सभापति महोदय, आजादी के पन्द्रह वर्षों में मुझ कांग्रेसी नेताओं और मंत्रियों को नजदीक से देखने का मौका नहीं मिला। इधर तीन-चार महीनों से थोड़ा सा उन्हें देख रहा हूँ। खास तौर से दो गृह मंत्रियों को मैं ने देखा और मेरा मन कुछ घबरा रहा है। डंडा जिस के हाथ में है और जो डंडा चलाता है, उसे मन का और वाणी का नम्र होना चाहिए। मैं नहीं जानता कि श्री लाल बहादुर शास्त्री मन के नम्र थे या नहीं लेकिन वाणी के नम्र थे। श्री नन्दा मन और वाणी दोनों के बड़े तेज हैं। हम को, जिन पर डंडा चलाया जाता है, अधिकार है कि हम गुस्सा करें,

[डा० राम मनोहर लोहिया]

हमारे लिये यह स्वाभाविक है, और चिल्लाएं, लेकिन जिनके हाथ में डंडा है उनका कर्तव्य है कि वे नम्र रहें। उनके हाथ में राज दंड है। मैं नहीं कह सकता कि दोनों में कौन अच्छा है कौन बुरा है। शायद नन्दा जी ज्यादा अच्छे हैं, क्योंकि मन और वाणी जब दोनों ही क्रूर हैं, तो बगावत जल्दी हो जाया करती है। लेकिन मैं इस वहस में न पड़ कर इतना ही कहना चाहूंगा कि गृह मंत्री को बहुत सावधान रहना चाहिए, कोशिश करना चाहिए हमेशा कि अपने मन और वाणी दोसो से नम्र रहें, और सीलिए मैं इतना कहूंगा कि यह नजरबन्दी का कानून बहुत जरूरी है कि सरकार अपनी पुलिस को, अपनी 'ड' शक्ति को, अपने गृह मंत्री को, कुछ थोड़ा सा काबू में रखे। यह नजरबन्दी कानून मुझे घबरा देता है, खास तौर से उन हालात को देख कर जो मैं ने यहां पिछले तीन महीनों में देखे हैं। वैसे मैं अहिंसा वाला आदमी हूं। मैं आप को बताऊं कि सन् १९४२ में अंग्रेजों की गाड़ियां उलटते वक्त मैं एक दुविधा में फंसा जाता था कि गाड़ियां उलटी जाएं तो कौन सी उलटी जाएं, माल-गाड़ियां या सिपाहियों वाली गाड़ियां। मैं सिपाहियों वाली गाड़ियों को उलटने के खिलाफ रहता था, लेकिन मुझे अफसोस के साथ कहना पड़ता है कि मेरे अहिंसात्मक दिमाग पर इधर कुछ परछाइयां, चाहे दो चार क्षण के लिए ही हों, पड़ने लगी हैं।

यह नजरबन्दी कानून जो बार बार सरकार यहां लाती है, यह वास्तव में नाज़ीरान हिन्द की एक दफा घन गया है, चाहे वह एलानियां यह कहें या न कहें। इस का सम्बन्ध संविधान की धारा २२ और २१ से है। लेकिन गृह मंत्री ने अपने भाषण में कुछ ऐसी बातें कहीं कि अगर मुझे ताकत होती तो मैं उन को संविधान भंग करने के अपराध में जेल देता और उन के ऊपर मुकदमा चलाता। मैं तो नजरबन्दी का

कानून ही नहीं रखता, सलिए वह सवाल नहीं उठता, लेकिन मैं उन पर मुकदमा चलाता क्योंकि उन्होंने कहा कि संविधान के नागरिक अधिकारों की कुल धाराओं को देखो तो मानम होगा कि एक धारा दूसरी धारा को काटती है। अगर संविधान का इस तरह से मतलब निकाला जायेगा तब तो संविधान बिल्कुल खत्म हो जायेगा। नागरिक अधिकारों की धाराएं एक दूसरे को काटा नहीं करतीं वे तो एक दूसरे की पूरक बना करती हैं। २१ और २२वीं धाराएं किसी और धारा से सम्बन्धित नहीं हैं किसी और धारा की कोई ताकत नहीं है कि २१ और २२वीं धाराओं में दिये गये अधिकारों को थोड़ा सा भी कम कर सके। २२वीं धारा खुद उसको थोड़ा बहुत कम करती है और उन्होंने असंगत रूप से ...

Shri Nanda: May I just at this moment interrupt the hon. Member. He has misunderstood me. The hon. Member has misunderstood completely what I said. It was not that each article representing a fundamental right does not stand by itself. I pointed out that within that article there is a qualification which modifies that and not that one article modifies another article. That is a very wrong understanding.

डा० राम मनोहर लोहिया: बहुत अच्छा उन्होंने सफाई कर दी पर जो उनका भाषण छपा है उसको जाकर देख लें तो ज्यादा अच्छा हो।

श्री नन्दा : पढ़ा हुआ है।

डा० राम मनोहर लोहिया : फिर देख लें उसको। इसी तरह वह अपने पंचवर्षीय योजना के भाषण में १५०० करोड़ रुपये हज्म कर गये थे। तो उसको फिर पढ़ लें।

तो उन्होंने सफाई दी यह अच्छा किया। लेकिन वह १६वीं धारा के बारे में कह रहे थे। उसका सम्बन्ध तो सुरक्षा से, दूसरे देशों के

सम्बन्धों आदि से है। उसका कोई सम्बन्ध नजरबन्दी से नहीं है। नजरबन्दी का कानून तो अपनी जगह अलग है। हम को पूरा अधिकार है स्वतंत्र रहने का, २४ घंटे के अन्दर मजिस्ट्रेट के सामने जाने का। तो सिर्फ़ इसी धारा में जो शर्त लगी हुई है उसे हम को लेना चाहिए।

फिर उन्होंने कहा कि जनतंत्र का शिशु पेड़ है। इस को घेर कर रखना है। लेकिन जो घेरा वह लगा रहे हैं वह उस को बचाता नहीं वह तो अमर बेल है जो उस पेड़ को खा जायेगी। अगर उस पेड़ को वह बनाना चाहते हैं तो उसमें खाद दें उसको सूरज की रोशनी दिखावायें। उसको स्वतंत्रता की पूरी पूरी ताकतें दें तब यह पेड़ पनपेगा। और आज जो नजरबन्दी कानून लाया जा रहा है उसके हिसाब से तो यह पेड़ मुरझा गया है और जो बचा है वह भी पता नहीं कितने दिनों चलेगा।

श्री ज्वा० प्र० ज्योतिषी (सागर) : भैंसों और सांडों से उस पेड़ को बचाने के लिए बाड़ की आवश्यकता है।

डा० राम मनोहर लोहिया : हम जैसे भैंसों और बैलों ने ही—हालांकि हमारे जैसे बैलों की बदौलत ही आप जीत कर के यहां आये हैं—इस पेड़ को लगा कर खड़ा किया है। न जाने आप हजरत उस वक्त कहां थे जब हम इस पेड़ को लगा रहे थे। खैर, इस बात को छोड़िये।

यहां यह तर्क दिया गया कि इतिहास को देखो, इंग्लैंड और यूरोप के इतिहास को देखो, तीन सौ बरस में उन्होंने नागरिक अधिकार हासिल किये थे। अगर आप इतिहास की चर्चा करोगे तो आपको इस बात में भी जाना होगा कि इंग्लैंड ने कितने राजा, रानियों, मंत्रियों और प्रधान मंत्रियों को फांसी पर लटका कर अपने अधिकार हासिल किये थे। अगर आप उस इतिहास की पुनरावृत्ति करना चाहेंगे तो उसके बहुत बुरे

नतीजे निकलेंगे। हमें तो अपना इतिहास अलग से बनाना है। हमने यह राज्य सत्याग्रह, सिविल नाफरमानी, के जरिये बनाया है। सिविल नाफरमानी से बने हुए राज्य के अलग नियम होते हैं, अलग कानून होते हैं, वे कानून वैसे नहीं हो सकते जैसे कि अमरीका में और इंग्लैंड में हैं। इस तरफ भी श्री नन्दा को गौर करना चाहिए।

नागरिक अधिकारों और कानून का लगातार कटान हिन्दुस्तान में होता जा रहा है। जिस तरह से बाढ़ का पानी, नदियों का पानी मिट्टी को काटता चला जाता है, उसी तरह से ये सब कानून हिन्दुस्तान के लोगों के नागरिक अधिकारों को लगातार काटते चले जाते हैं। एक तो यह नजरबन्दी का कानून है, दूसरा भारतीय सुरक्षा कानून है, उसमें कोई ताकत ही नहीं रह जाती नागरिकों की। फिर उसी के साथ साथ जब यह लगातार सिलसिला चलता है, फिसलन और कटान का, तो प्रायः हर मामले में लोग, और खास तौर से आप के जो अफसर हैं वे आलसी बन जाते हैं। प्रशासनिक और मानसिक आलस उन में आ जाता है। किसी मामले को वह तैयार नहीं करते, किसी का अध्ययन नहीं करते क्योंकि उनको किसी बात का डर नहीं रहता है। उनको इस बात का डर नहीं रहता है कि हम अदालत में फंस जायेंगे या मुकदमा हार जायेंगे। जब यह डर हांता है तो आदमी सचेतनता से काम काज करता है। लेकिन जब यह डर हट जाता है तो वह यह सोचता है कि हम किसी आदमी को गिरफ्तार कर लें, किसी को नजरबन्द कर दें, हम को कोई मुकदमा तो साबित करना नहीं है। तो ऐसे कानूनों से अफसर मानसिक और प्रशासनिक ढंग से आलसी बन जाया करते हैं, और कई बार तो ऐसा हुआ है, अक्सर हुआ है, कि शासन चलाने वाले लोग बदले की भावना से इस कानून का इस्तेमाल करते हैं। मुझ पर यह चीज हो चुकी है। मुकदमे में जब कलक्टर हार गया तो झट से उसने मुझे नजरबन्दी

[डा० राम मनोहर लोहिया]

कानून के अन्तर्गत गिरफ्तार कर लिया, हालांकि वह नजरबन्दी थोड़े ही समय रही, क्योंकि उसके बाद सजा भी हुई और भी वाक्यात हुए ।

जहां तक कानून का कटान हो रहा है कि मैं गृह मंत्री को बताना चाहता हूं कि आजकल अपने देश में खून और कत्ल न केवल राजकीय मामलों को हल करने के लिए इस्तेमाल हो रहे हैं, बल्कि निजी मामलों में भी यह अधिकार बन गये हैं । खून बहुत हो रहे हैं निजी मामलों के लिए । मैं यहां पर किसी का नाम नहीं लूंगा, लेकिन एक औरत का खून हुआ है, जिसे आत्म हत्या बताया गया है, और जिस के साथ ऐसे नाम भी जोड़े जाते हैं, जो इस सदन के लोग हैं ।

एक माननीय सदस्य : यह किस स्टेट की बात है ।

डा० राम मनोहर लोहिया : यह गृह मंत्री जी पता लगा कर आप को बतलायेंगे । अभी इतना ही जान लीजिये कि बड़े लोग अपने निजी सम्बन्धों को चलाने के लिए खून तक का इस्तेमाल करने लग गये हैं ।

और एक जगह तो दो विद्यार्थियों को, जिन्होंने अपनी जाति से अलग कुछ थोड़ा बहुत प्रेम किया था, जो कि एक बहुत अच्छी बात थी, खत्म कर दिया गया, क्योंकि उन लड़कियों के बाप जो उनके मास्टर भी थे, उनको यह पसन्द नहीं था । तो जब कानून की इस तरह कटान हो तो यह बात नागरिकों के मन में, खास तौर से जो बड़े लोग हैं उनके मन में जम जाती है कि हम जो चाहें सो कर सकते हैं, और इसलिए . . .

Shri Nanda: Has that anything to do with the Preventive Detention Act?

Mr. Chairman: The hon. Member should deal only with the merits of

this Bill. There is not use bringing in other things.

डा० राम मनोहर लोहिया : कानून का लगातार कटान हो रहा है । और अराजकता केवल जनता की नहीं हुआ करती । अराजकता सरकार की हुआ करती है । और इस समय सरकार की तरफ से इतनी अराजकता है कि जो कायदे कानून हैं उनका बिना पक्षपात के इस्तेमाल तक नहीं हो पाता । यह भ्रष्टाचार आखिर क्या चीज है, यह नजरबन्दी का जो कानून है यह कानून को काट रहा है ।

Mr. Chairman: I should like to understand what the hon. Member is saying. Law is impartial in catching up any culprit, whether big or small. I do not understand what the complaint of the hon. Member is. He can speak about the implementation of the law or about the merits of the law.

डा० राम मनोहर लोहिया : यह जो नजरबन्दी का कानून है, मैंने बताया कि किस तरीके से अफसर लोग दिमागी आलसी बन जाते हैं । हमें गिरफ्तारी के खिलाफ अधिकार मिला हुआ है, जब उस अधिकार को आप खत्म कर देते हैं और गिरफ्तार हम कर लिये जाते हैं तो जितने क्लक्टर, कमिश्नर और दूसरे अफसर हैं व आलसी बन जाते हैं । खुद गृह मंत्री आलसी बन जाते हैं प्रधान मंत्री आलसी बन जाते हैं और उस आलस के कारण फिर समाज में ऐसी व्यवस्था छा जाती है कि कानून का राज्य नहीं रह जाता है । यह नजरबन्दी कानून आप खत्म कीजिये उसके बाद जितने लोग हैं सब चंट होंगे । जिस तरह सितार के ढीले तार कसने से वह अच्छा बजा करता है उसी तरह से यह सरकार नजरबन्दी कानून खत्म कर देने से अच्छी बजने लगगी । अभी सितार ढीला पड़ गया है और यह नजरबन्दी कानून उस सितार को ढीला बनाता जा चला रहा है । यह एक सिद्धान्त है जिस पर कि इस सरकार को बहुत अच्छे तरीके से गौर करना चाहिए ।

खास तौर से सरकारी अराजकता की मैं बात करूंगा क्योंकि यहां पर बहुत ज्यादा जिक्र किया गया है लोगों की अराजकता का, गुंडों का, कम्यूनिस्टों का और अहिंसकों का। मैं कम्यूनिस्टों का तरफदार नहीं हूं। कम्यूनिज्म और साम्यवाद को मैं नापसन्द करता हूं हालांकि कम्यूनिस्टों के बारे में जो व्यक्ति हैं थोड़ा बहुत, मैं कुछ और ढंग से सोचने लगा हूं जितना कि मैं समझो १०-१५ वर्ष पहले सोचा करता था। एक जमाना था जब कि मसानी साहब और मैं दोनों एक दूसरे की बात को सुना करते थे। अब मैं उनकी बात थोड़ी बहुत तो जरूर सुनने लगा हूं और अगर वह मेरी भी बात सुनं तो ठीक होगा। वह कम्यूनिज्म या साम्यवाद से तो चाहे नफ़रत करें लेकिन व्यक्तिगत कम्यूनिस्टों से नफ़रत न करें। इस तरीके से कहना कि यह नज़रबन्दी इस लिए जरूरी है कि कम्यूनिस्टों को गिरफ़्तार करके रक्खा जाये, ठीक नहीं है। अगर आप चाहो तो कम्यूनिज्म को, साम्यवाद को नज़रबन्द करो लेकिन कम्यूनिस्टों को नज़रबन्द मत करो। यह बहुत बड़ा फर्क होता है।

मुझे यहां पर श्री त्रिवेदी जी की तारीफ़ कर देनी है हालांकि जो कम्यूनिस्टों का सिलसिला है उसको देखते हुए तो यह कहना पड़ता है कि आज उनका रवैया बहुत कुछ सरकार के साथ चला जा रहा है। मुझे कल यह देख कर हैरत हुई कि श्रीमती रेणु चक्रवर्ती बजाय इसके कि हम सदस्यों के अधिकारों को बढ़ायें इस तरह के व्यवस्था के प्रश्न उठाया करती हैं जिन से सदस्यों के अधिकार कुछ कम हो जायें। मान लीजिये कि अगर कल मुझ अपना मौखिक बयान देने दिया गया होता तो कुछ सदस्यों के अधिकार बढ़ जाते। और उनके भी कुछ अधिकार बढ़ जाते। जब वह स्कूल, कालिज में पढ़ायेगी तब तो इंगलिस्तान का उदाहरण देगी कि किस तरीके से सदस्यों ने अधिकार बढ़ाये लेकिन यहां नहीं चाहती कि सदस्यों के अधिकार बढ़ें।

सभापति महोदय : माननीय सदस्य का समय समाप्त हो रहा है।

डा० राम मनोहर लोहिया : मैं पांच मिनट में ख़त्म किये देता हूं।

मैं इसलिए इस अराजकता के बारे में बहुत जोर से कहना चाहता हूं कि सरकार में अराजकता और प्रशासन में बहुत ज्यादा अराजकता फैल गई है। कायदे क़ानून का बहुत कम ख़याल रक्खा जाता है। उसका इस्तेमाल नहीं करते। वह वृत्ति नहीं रह गयी और नतीजा यह होता है कि वह सारे देश में यह भावना फल गई है कि स्थिरता जिस तरीके से भी हो बना कर रक्खो। यह स्थिरता क्या है? इसके लिए कुछ थोड़ा सा आपको १०००-१५०० वर्ष के इतिहास की तरफ ध्यान देना होगा। हिन्दुस्तान बहुत स्थिर हो गया है इतना स्थिर हो गया है कि आघा मुर्दा बन गया है। आघा तो मैं यूँ ही कहे दे रहा हूं, पूरे का पूरा करीब मुर्दा हो चुका है। यह देश पिछले १०००-१५०० वर्षों में एक बार भी अन्दूरनी जालिम के खिलाफ़ विद्रोह नहीं कर पाया है। जब कभी उसने थोड़ा बहुत विद्रोह किया है तो विदेशी आक्रमण या विदेशी राजाओं के खिलाफ़ देश ने विद्रोह नहीं किया है। इसलिए बहुत ज्यादा इसको स्थिर मत बनाओ। मैं तो यहां यह भी कहना चाहूंगा कि थोड़ी बहुत स्थिरता जनता में आये तो यह अच्छा होगा। हमारी जनता मुर्दा बन चुकी है। उसको अस्थिर बनाओ, उसे चंचल बनाओ। उसमें कुछ क्रियाशीलता लाओ। अगर कुछ गड़बड़ करना चाहे तो गड़बड़ भी वह करे क्योंकि इस गड़बड़ से उसमें कुछ तो जान आयेगी। ख़ाली सवाल उठता है कि यह गड़बड़ कौंसी हो यह गड़बड़ हिंसक हो या अहिंसक हो, तो मैं अपनी राय साफ़ बता दूँ कि वह गड़बड़ अहिंसक हो तो अच्छा होगा क्योंकि हिंसक गड़बड़ी में मामले और ज्यादा बिगड़ जाया करते हैं। इसलिए मैं गृह मंत्री जी से एक निवेदन करना चाहूंगा और वह यह कि

[डा० राम मनोहर लोहिया]

वह ताव में न रहा करें और ताव में रहने की बजाय वह थोड़ा बहुत नम्र होकर बोला करें क्योंकि मेरा जसा आदमी, मैं सब कहता हूँ पिछले कई महीनों में मेरे दिमाग के ऊपर परछाई पड़ने लगी है। आपने अभी जिस दिन तिब्बिया कालिज के बारे में जैसी बात की

Shri Nanda: I am being accused of too much mildness, and I am really very much agreeably surprised that I am something different.

डा० राम मनोहर लोहिया : कुछ तरीके ऐसे हैं जिन पर अगर आप ध्यान रखें तो अच्छा होगा। सिर्फ अपनी वाणी पर ही नहीं बल्कि अपने मन के ऊपर भी आप अगर ध्यान रखें तो बेहतर होगा। खैर वह एक अलग बात है। अभी मैं एक दूसरी चीज कह रहा था और वह यह कि अराजकता से मत घबराइये। अपने घर के अन्दर अपनी सरकार के अन्दर अराजकता आती है तो उसे देख कर मत घबड़ा जाइये। अगर मान लीजिये जनता के अन्दर कुछ पत्थर फेंकने, कुछ गोनी चलाने, कुछ गुडई करने की भावना आती है और वह उसका इस्तेमाल करती है तो ठीक है आप अपने डंडे का इस्तेमाल करो लेकिन मेरा जैसा आदमी जो कानून तोड़ता है, सत्याग्रह करता है, इस समाज को बदलना चाहता हो और देश को जानदार बनाना चाहता है क्योंकि हम समझते हैं कि अगर देश के अन्दर के जालिमों के खिलाफ हम लड़ते रहेंगे तब हम बाहरी आक्रमण के खिलाफ भी अपनी कोई कार्यवाही कर सकेंगे, हमारे सम्बन्ध में जरा बात दूसरे ढंग से देखना।

सभापति महोदय, अब मैं खानी एक बात साफ़ कर देना चाहता हूँ क्योंकि मेरे बारे में गलतफहमी फैल गयी है जैसे कि मैं कोई बहुत निराश हूँ। मैंने यहां पर कई बार कहा है कि यह सरकार इतनी जालिम है और हम इतने निकम्मे हैं कि हम इसे खत्म

नहीं कर पा रहे हैं। वह तो मेरे विश्वास को बतलाता है कि आखिर इतना होते हुए भी मैं इस बात में लगा हूँ कि यह सरकार पलटी जाय। यह मेरा विश्वास है और मेरी आशा है कि यह सरकार खत्म हो। आज का नज़रबन्दी जैसा कानून जो कि २२वीं धारा को खत्म करने वाला है उस नज़रबन्दी कानून को बार बीर हर दफ़े हम ताज़ी रात हिन्द जैसी किताब पर ला रहे हैं तो यह मेरा विश्वास है कि हिन्दुस्तान की जनता ज़रूर उठेगी, बलवा करेगी। क्योंकि उसके बिना इस देश का पुनर्जीवन नहीं है। सवाल खाली इतना है कि वह हिंसा से होगा या अहिंसा से होगा। परछाई हमारे बहुत ज्यादा दिमागों पर मत आने दो क्योंकि उसका नतीजा कुछ ख़राब हो जाया करता है.

श्री भागवत झा आज़ाद (भागलपुर) :
डाक्टर साहब, मालूम होता है कि आपके ऊपर परछाई पड़ चुकी है।

डा० राम मनोहर लोहिया: आ गई है थोड़ी लेकिन एक, दो क्षण के लिए आती है, खत्म हो जाती है और फिर आती है। पिछले तीन महीनों में कई बार यह परछाई आई है। इतना आज़ाद साहब आप समझ लेंगे क्योंकि एक बेवसी सी है। मैंने आपसे कहा डंडा हम पर चलता है। डंडा चलाने वाले आप हैं इसलिए आप शान्त रहो। हमको चिल्लाने का हक़ है। हमको गुस्सा करने का हक़ है। शान्त रह कर अपना डंडा चलाने चलो, अलबत्ता चलाते वक़्त ज़रा यह देखना कि कायदे कानून से चलाओ। कायदा कानून इसमें नहीं है। नज़रबन्दी का कायदा खत्म करो। उसके बाद आप देखेंगे कि खुद आप का आचरण, आप का दिमाग़ आपकी बातें और आपका सोचना शुद्ध होने लगेंगे क्योंकि आपके सामने एक कटान आ जायेगी कि भाई यह हमारी मर्यादा है इसके

ऊपर नहीं जा सकते । दिन रात मर्यादा पुरुषोत्तम का नाम लिया करते हो, २१वीं और २२वीं धारा की मर्यादा है । हिन्दुस्तान के नागरिकों को न केवल स्वतन्त्र रहना है बल्कि हमेशा अपने मन में विश्वास रहना चाहिए कि मैं सुरक्षित हूँ । जब हिन्दुस्तान आजाद हुआ था तब मुझे यह भावना हो गई थी कि अंग्रेज जिस तरीके से मुझे बार बार पकड़ लिया करते थे कम से कम अब पकड़ा नहीं जाऊंगा लेकिन अब वह भावना नहीं है । अभी दो, तीन नि की बात है कि जार्ज फरनाडेंस जो कि नजरबन्दी कानून के मातहत गिरफ्तारी में थे, वह छूट गये । तबियत तो मेरी थी कि उसके लिए आपको धन्यवाद देता लेकिन जिस ढंग से वे छूटे हैं उसका मैं यहां पर जिक्र नहीं करूंगा । घबड़ाना मत । २५-३० हजार आदमी उनको स्टेशन पर लेने आये । यह चीज किसी देशभक्त के साथ ही होती है । इसी तरह का एक केस मैं और बतलाऊं कि दरभंगा के कफ़ील अहमद कैफ़ी जेल में पड़े हुए हैं । वे किस लिए नजरबन्द हैं ? उनको इसलिए जेल में डाला गया है कि सरकार ११० रुपया मिट्टी काटने के लिए एक कम्पनी को देती है जिस कम्पनी के चेयरमैन यहीं के एक सदस्य हैं, फिर से आने की बड़ी जबरदस्त कोशिश कर रहे हैं । मजदूरों को मुश्किल से ४०-५० रुपया उस मिट्टी का मिलता है । इन सब कामों के लिए यह सुरक्षा कानून और नजरबन्दी कानून का इस्तेमाल हो रहा है । थोड़ा आप इस पर गम्भीरतापूर्वक सोच लीजिये और इस सुरक्षा कानून व नजरबन्दी कानून को अब खत्म कीजिये । धन्यवाद ।

Shri Maniyangadan (Kottayam): It is with a certain degree of reluctance that I have to support the measure brought forward by the Government.

This measure is said to be unconstitutional. But I am of the view that it is not so. The provisions of the Constitution which are intended to safeguard the liberties of individuals

are there, but there are certain un-social and anti-national elements working in the country which have to be tackled. When this measure was for the first time brought in 1950, it was conceded even by certain Opposition Members that such a measure was necessary. I would ask them now, can they say definitely that there are no such elements functioning in India today? If there are such elements and the provisions of the IPC and Cr.P.C. could not be easily availed of for preventing such people from indulging in their activities, my submission is that such a measure which vests in Government the power to detain certain people suspected of such intentions who if let free would indulge in such activities, is necessary, so long as there are such elements in the country. To deal with them, the Panel Code and the Criminal Procedure Code are not sufficient. Of course, whenever certain preventive measures are to be taken against certain persons and the provisions of these two enactments could be availed of, they are availed of.

But the main question is whether these powers are being utilised for political or any other purpose or whether they are being abused. There cannot be any doubt that the Government has not hitherto abused the powers vested in them. No unnecessary detentions have ever been reported. Of course, due to certain technicalities or legal defects certain persons arrested and detained under the provisions of this Act have been set free by the Supreme Court or High Courts. So there are sufficient safeguards in the Act itself. The reasons for the arrest are given. Then there are constant reviews. There is the advisory board.

It was said here that even the independence of the judiciary was being interfered with. My submission is that if one has no faith in anybody, in any authority, whether in the Ministry or in the judiciary, it is very difficult for a democratic nation to function. If in a vast country like

[Shri Maniyanagan]

India which has a Constitution and where everything is done according to law, questioning of the integrity or *bona fides* of every individual in authority is going to be the order of the day, then democracy is not safe in the hands of such people. That is all what I have to say.

For safeguarding the democratic rights of the people against those likely to interfere with them by activities detrimental to the interests of the country, if the ordinary law of the land is not sufficient, such a law is absolutely necessary. Of course, there is the Defence of India Act due to the emergency. But it is only temporary. So for the time being, that has to be ignored. We have to enact laws and think of times of peace. If that be so, this enactment is necessary.

Some people were complaining that the provisions of the Act have not been used against profiteers and others. There are people engaged in profiteering, blackmarketing and other things. Of course, the existence of such people only shows that such a measure is necessary. If the complaint is that the provisions of the Act are not applied against those people, it is conceding the necessity for this Act.

It is also not true to say that the Act has not been used to detain persons engaged in profiteering or blackmarketing. In Kerala, for the last few years, nobody has been detained under the Act. But the Act was utilised to detain blackmarketeers, for no offence other than blackmarketing in foodgrains. There was a time five or six years ago when several people were detained, though only for a few days, under the provisions of this Act, in connection with this offence. So whenever it was found absolutely necessary, the Act has been used to detain such persons.

As I said, the main question is whether these provisions would be abused by Government. Of course, they say

that in a future set-up if some other Government comes into power, that Government with a dictatorial turn of mind may abuse this Act on the statute book. We cannot think of the future. Anyhow, this is a temporary measure, not a permanent one. 1950 to 1963 is only 13 years and 13 or 16 years in the life of a country like India is not a long period. In an infant democracy like ours, such a measure to safeguard the interest of the common man and protect the democratic set-up is absolutely necessary. This has been done in the past and I hope the Government will make use of these provisions for the same purpose in future also.

As far as the present Government and our democratic set-up is concerned, there is no fear that this measure will be utilised for any ulterior purpose other than for what it is meant. As years pass by, the number of detenus under the Act is lessening. There are only a few now detained under the Act. Of course, when certain incidents took place some years back, more persons were arrested under the Act. Now we find that in several States there are no detenus at all. In a few States, there are a few detenus. That only shows that the Government has been very careful to see that the provisions are not used for any purpose other than the ones intended and set forth when this Act was passed.

It was stated that this Act was unconstitutional. That very question was raised in the Supreme Court and the Preventive Detention Act was declared by the Supreme Court to be constitutionally valid. In the circumstances that prevail in India, we must give the power to the Government which they will utilise with proper care.

श्री स० मो० बनर्जी (कानपुर) : सभा-
पति महोदय, नज़रबन्दी कानून जिस की श्रवधि
बढ़ाई जा रही है १९६६ तक उसका मैं
विरोध करना चाहता हूँ। कुछ सिद्धान्त हैं

जिन के आधार पर मैं ऐसा करना चाहता हूँ। मैंने नन्दा जी के भाषण को सुना है। उन्होंने समझाने की कोशिश की है कि हमारे देश में क्रिमिनल प्रोसीजर कांड या इंडियन पीनल कोड होने के बावजूद भी कुछ ऐसे समाज-विरोधी तत्व हैं, जिनका मुकाबला करने के लिए नज़रबन्दी कानून की ज़रूरत है। मेरी समझ में नहीं आता है कि आज जबकि देश में एक तरफ तो नज़रबन्दी कानून है जिस की अवधि १९६६ तक बढ़ाई जा रही है और दूसरी तरफ डिफेंस आफ इंडिया क्लॉज हैं, तो इन दोनों की ज़रूरत क्या है। क्या सरकार के पास ऐसे कानून नहीं हैं जिस के अन्तर्गत लोगों को गिरफ्तार किया जा सके, समाज-विरोधी जो तत्व हैं, उनकी समाज विरोधी कार्रवाइयों पर रोक लगाई जा सके, ऐसी कार्रवाइयां करने से उन को रोका जा सके। यदि ऐसे कानून हैं तो उन कानूनों का सही इस्तेमाल हो सकता है और इस नज़रबन्दी कानून की अवधि बढ़ाने की कोई ज़रूरत नहीं है। मैं नहीं चाहता हूँ कि इस की अवधि को बढ़ाया जाये।

जब यह बिल पहली बार इस सदन में आया था और इस पर बहस हुई थी तो मैंने श्री श्यामाप्रसाद मुखर्जी तथा दूसरे माननीय सदस्य जोकि उस वक्त यहां थे, उनकी तकरीरों को पढ़ा था। मैं समझता हूँ कि उस वक्त भी बहुत ही संजीदगी के साथ इसको रख कर सरकार ने यह फैसला किया था कि नहीं, फिलहाल इसकी ज़रूरत है और जब इसकी ज़रूरत नहीं रहेगी तो एक मिनट भी इस कानून को जारी नहीं रखा जायेगा। लेकिन मैं देख रहा हूँ कि देश में यह कानून परमानेंट बनने जा रहा है, कभी कुछ कह कर और कभी कुछ दूसरा बहाना ले कर, यह कानून हमेशा के लिए रहने जा रहा है। इसकी जीती जागती मिसाल मेरी मुअज़्ज़िज़ बहन श्रीमती रेणु चक्रवर्ती ने कांग्रेस संसद् सदस्यों को जो एक नोट सर्व्यूलेट किया गया है, उसको पढ़ कर आपके सामने रखी है।

उसी के आधार पर उन्होंने बताया है कि यह परमानेंट होने जा रहा है। मैं इस सदन के उन मुअज़्ज़िज़ दोस्तों से, मैम्बरान से पूछना चाहता हूँ जिन्होंने कि राष्ट्रीय आन्दोलन में हिस्सा लिया था, जिन लोगों की शहादत की वजह से, जो शहीद हुए हैं, उनकी वजह से आज यह तिरंगा झंडा लहराता है, क्यों वे उन बातों को भूल गए हैं जो वे रावी के किनारे कभी कभी कहा करते थे। उन बातों को वे याद करें। क्या वे उन बातों को भूल गए हैं जो उन्होंने रावी के किनारे किये थे? बार बार यह कहा जाता था कि यह जो रोलट एक्ट है या इस तरह के जो दूसरे वाले कानून हैं, इन को आज़ादी मिलने के बाद बदल दिया जायगा, जब सत्ता हमारे हाथ में आयगी तो इनको खत्म कर दिया जायगा। हमारे देश के पूज्य श्री हरदिलभञ्जोत्र प्रधान मंत्री श्री नेहरू बार बार कहते थे कि इन काले कानूनों को गद्दी पर बैठते ही, सत्ता की बागडोर अपने हाथों में लेते ही हम बदलने की कोशिश करेंगे। मैं पूछना चाहता हूँ कि उन्हीं अंग्रेजों की जो भावना थी समाजवादी विरोधी जो उनकी चीज थी, देशवासियों के प्रति उनका जो विद्वेष था, क्या उसी की तर्जुमानी यह सरकार नहीं कर रही है? यह सवाल आज देश के सामने है।

मैं एक चीज कहूंगा। आज इसकी अवधि बढ़ाने की ज़रूरत क्या है, यह बताया जाय। इसके अन्तर्गत लोगों को गिरफ्तार किया जाता है। कहा जाता है कि वे लोग मुनाफाखोरी करते हैं, समाज के खिलाफ काम करते हैं। लेकिन इसी सदन के एक माननीय सदस्य जिन की कोअ्रोप्रेटिव सोसाइटी ने साठ रुपये पर क्विंटल के हिसाब से गुड़ खरीद कर ८५ रुपये प्रति क्विंटल के हिसाब से बेचा उन पर तो यह डिफेंस आफ इंडिया क्लॉज को लागू नहीं किया गया, यह नज़रबन्दी कानून लागू नहीं किया गया। क्या इस की वजह यह थी कि वह इस सदन

[श्री स० मो० बनर्जी]

के सदस्य हैं, बड़े आदमी हैं ? यह छोटे छोटे दुकानदारों के खिलाफ लागू हो सकता है लेकिन बड़ों के खिलाफ नहीं हो सकता है ।

हमारे उत्तर प्रदेश में खास कर कानपुर जिले में मेरे समाजवादी दोस्त बैठे हैं, वे आपको बतायेंगे कि समाजवादी पार्टी के तीन तीन लोगों की हत्याएँ कर डाली गई हैं, उनको मार दिया गया है लेकिन किसी को अभी तक इस कानून के अन्तर्गत या किसी दूसरे के अन्तर्गत गिरफ्तार नहीं किया गया है । श्री आई० डी० सक्सेना एक ट्रेड यूनियन वर्कर हैं, उनका ताल्लुक लगभग आई० एन० टी० यू० सी० के साथ था, बहुत ही ईमानदार ट्रेड यूनियनिस्ट वह हैं, मजदूरों के मामले को लेकर मालिक के साथ झगड़ा हो गया, मामला शुरू हुआ, मुकदमा चला और उसने जो नारा दिया उससे मालिक घबरा उठे और इस का नतीजा यह हुआ कि उसके घर में जा कर अभी नवम्बर के महीने में शाम को उन को गोली से मार दिया गया । मैं ने उत्तर प्रदेश की मुख्य मंत्राणी जी को लिखा है कि इस की जांच की जाय लेकिन अभी तक भी उसकी कोई जांच नहीं की गई है । इसी तरह से एक के बाद दूसरी और दूसरी के बाद तीसरी पोलिटिकल हत्याएँ कानपुर में हो रही हैं । ये राजनीतिक हत्याएँ हैं, पांच पांच आदमियों को मार डाला गया है लेकिन आज तक भी किसी को नजबंदी कानून के अन्तर्गत गिरफ्तार नहीं किया गया है, हत्यारों को पकड़ा नहीं गया । मैं तो कहूँगा कि यह प्रिवेंटिव डिटेंशन नहीं है बल्कि पोलिटिकल डिफेंस है । यह प्रिवेंटिव डिटेंशन नहीं बल्कि सरकार का पोलिटिकल डिफेंस है और पोलिटिकल डिफेंस से यह तमाम चीजों को नाकारहपन को छिपाने की कोशिश करती है । जब भी इस का इस्तेमाल किया जाता है तो नाजायज तरीके से ही इस्तेमाल किया जाता है ।

अब आप देखें कि प्रिवेंटिव डिटेंशन में किन किन लोगों को गिरफ्तार किया गया

है । गणेश बोस को जिन्होंने चटागांग ग्रामरी रेड केस में हिस्सा लिया था, जिन्होंने उस वक्त राष्ट्रीय आन्दोलन की अगुवानी की थी, जिन्होंने तमाम अस्त्रों को मुहैया करके अंग्रेज साम्राज्यवादियों के खिलाफ उनको इस्तेमाल करने की कोशिश की थी, उनको गिरफ्तार किया गया । अब आप देखें कि उनके खिलाफ चार्ज क्या लगाया जाता है । तकलीफ न होती अगर अंग्रेज साम्राज्यवादी उनके खिलाफ नजरबन्दी कानून को या दूसरे कानूनों को इस्तेमाल करते और उनके अन्तर्गत उन को गिरफ्तार किया जाता । लेकिन हमारी राष्ट्रीय सरकार ने उनके खिलाफ चार्ज लगाया कि व्हाई डिड यू रेड दी आर्मी ? उन्होंने हथियारों को मुहैया करके अंग्रेज साम्राज्यवादियों के खिलाफ इस्तेमाल करने की कोशिश की थी, जाती फायदे के लिए नहीं । इस देश में यूनियन जैक को हमेशा के लिए खत्म करके तिरंगा झंडा लहरें, यह गणेश बोस कहा करते थे । उनके खिलाफ चार्ज लगाया गया व्हाई डिड यू रेड दी आर्मी । इस तरह का यह सिर्फ एक किस्सा ही नहीं है । मेरे दोस्त श्री रानेन सेन हैं । उनके खिलाफ चार्ज लगाया कि बर्मा बांडर से आर्म्स भर करके जहाज। वह ला रहे थे । खुशकिस्मती से यह बच गए हैं । आज भी आप देखें कि किन के खिलाफ इसको इस्तेमाल किया जाता है । श्री वी० पी० मोर्य जोकि इसी सदन के एक माननीय सदस्य हैं, उन्होंने दलित वर्ग के लिए, शूड्यूल्ड कास्ट्स के लिए एक भाषण दिया था जिसमें कलक्टर साहब की खास करके बुराई की थी जिस की वजह से कलक्टर उनके साथ नाराज हो गए और उन पर मुकदमा चला दिया गया और उनको प्रिवेंटिव डिटेंशन एक्ट के तहत नहीं बल्कि डिफेंस आफ इंडिया रूलज के तहत गिरफ्तार कर लिया गया है । जब पार्लिमेंट में सवाल उठाया गया तब अपनी बात पक्की करने के लिए अलीगढ़ से भी एक मुकदमा कर दिया गया

ताकि साबित हो जाय कि उन्होंने विद्रोह फैलाने की कोशिश की और उनको हमेशा के लिये जेल में डाले रखा जा सके ।

हमारे नन्दा जी ने राष्ट्रीय आन्दोलन में आगे बढ़ कर हिस्सा लिया है, उस आन्दोलन की अगुवानी की है और मैं चाहता हूँ कि वह जरा सोचें कि क्या वाकई में इसकी अवधि बढ़ाने की जरूरत है । हमारे शिव वर्मा आज भी गिरफ्तार हैं और डिफेंस आफ इंडिया के तहत गिरफ्तार हैं । उन्होंने भगत सिंह के साथ जब इनकलाब जिंदाबाद का नारा लगाया तो उसकी तर्जमानी की थी । आज उनको सात दिन के लिए मुश्किल से पैरोल पर रिहा किया गया है । वह जेल के सीखचों में डिफेंस आफ इंडिया क्लब के तहत गिरफ्तार हैं, मामूनी मजदूरों को डिफेंस आफ इंडिया क्लब में कानपुर में गिरफ्तार किया गया है, उत्तर प्रदेश में किया गया है । जब वे छूट कर आ गए तो उन से कहा कि तुम कानपुर से जा कर दूसरे किसी शहर में रहो और तुम को वहां रहना पड़ेगा । मैं पूछना चाहता हूँ आपकी माफ़त कि ये जो राजनीतिक हत्याएँ हो रही हैं, इनका कोई इलाज है या नहीं है ?

अभी एक दोस्त ने कहा कि सुप्रीम कोर्ट ने उसको वैलिड करार दे दिया है । मैं कहना चाहता हूँ कि सुप्रीम कोर्ट की जजमेंट में डिफेंस आफ इंडिया के टुकड़े टुकड़े कर दिये गये हैं । अगर मैजोरिटी और माइनोरिटी जजमेंट को पढ़ा जाय तो यह स्पष्ट हो जायेगा । इसी सदन में ला मिनिस्टर साहब ने कहा था कि ओनली एन इनसेन मैन विल से दिस ला इज वैलिड । उसके बाद भी मैं पूछना चाहता हूँ कि सैनिकी कहां चली गई । वह इनसेन कानून आज भी हिन्दुस्तान में है और उसके अन्तर्गत लोगों को गिरफ्तार किया जा रहा है ।

नजरबन्दी कानूनों का सिर्फ राजनीतिक कामों के लिए इस्तेमाल करने की कोशिश हो रही है । चाहे नजरबन्दी कानून हो या

डिफेंस आफ इंडिया एक्ट, बंगाल में जब ५५ रुपये मन चावल बिकता है तो मैं जानना चाहता हूँ कि कितने आदमियों को गिरफ्तार किया गया है । दिल्ली शहर में किरोसीन तेल ६८ न० पै०, ६९ न० पै० और ७० न० पै० में बिका, लेकिन कितने आदमी गिरफ्तार किये गये हैं । आज भी मैं आप से कहता हूँ कि शहर के मामले में क्या हुआ । जो शहर के मालिकान हैं, बड़े बड़े व्यापारी हैं, स्ट्राइकर्स हैं, कितनी हिम्मत है सरकार में कि वह उन का बाल बांका कर सके । क्योंकि वे सब लोग जानते हैं कि मिनिस्टर महोदय आवाज नहीं लगा सकते शकर के व्यापारियों के खिलाफ, शकर के मिल मालिकों के खिलाफ । यह कैसे हो सकता है कि मिनिस्टर उन लोगों के खिलाफ आवाज लगायें या नजरबन्दी कानून का इस्तेमाल करें क्योंकि उन्होंने मिनिस्टर्स के मुंह तक पैसा भर रक्खा है चुनावों के दौरान में । सरकार में हिम्मत नहीं है कि वह किसी तरह से ऐसा कर सके । मेरा कहना है कि आज भले हों गंगा की शराब में डूब कर, यह सरकारी अपनी हुकूमत के बूते पर जिसे चाहे गिरफ्तार कर ले । आज जब नजरबन्दी कानून पर वहम हो रही है तो इस कानून के अन्तर्गत यहाँ के दो माननीय सदस्य जेल में हैं । श्री दशरथ देब जिन को त्रिगुना में कोई आज तक हज़ा नहीं सका, वे वहाँ से मुतवातिर जीत कर आ रहे हैं, बीरेन दत्त और दूसरे सदन के एक सदस्य श्री नीरेन घोष आज भी जेल में हैं । उन के खिलाफ क्या चार्ज है यह या तो सरकार को मालूम है या फिर भगवान को मालूम है, तीसरे आदमी को यह मालूम नहीं है । यह ठीक है कि मेरठ कांस्पिरेसी केस में कुछ लोगों के खिलाफ मुकदमे चले थे, कुछ लोग उन में से छोड़ दिये गये थे । मैं इस सदन का ध्यान आकर्षित करना चाहता हूँ उम जजमेंट पर जिस में सर सुलेमान ने कहा था :

“Prosecution of thought is illegal.”

[श्री स० मो० बनर्जी]

और सारे लोगों को छाड़ दिया गया था । इसलिए आज मैं समझता हूँ कि अगर स नजरबन्दी कानून को राजनीतिक तरीके से इस्तेमाल करने की कोशिश की जाये तो यह गलत होगा ।

14 hrs.

मैं आज भी आप से पूछता हूँ कि नजर-बन्दी कानून कहाँ चला गया था जब उत्तर प्रदेश में मिनिस्टर मिनिस्टर का खून पीने को तैयार था । जब हमारी सरहदों पर चीनी सेनाओं का जमाव था और पाकिस्तान की सरहदों पर पाकिस्तानियों का जमाव था, काश्मीर की सरहदों पर जमाव था उस वक्त हम लोग देख रहे थे कि हमारे प्रधान मंत्री अपनी दूरबीन से देख रहे थे कि चीनी सेनायें कहाँ खड़ी हैं, पाकिस्तानी सेनायें क्या कर रही हैं, हमारे सी० बी० गुप्त देख रहे थे कि अलगू राय शास्त्री कहाँ खड़े हैं और अलगू राय शास्त्री देख रहे थे कि सी० बी० गुप्त की पार्टी कहाँ खड़ी है और क्या कह रही है । जिस वक्त मिनिस्टर जनता के कण्ठ को, जनता की भूख को भूल कर आपस में लड़ें, मैं समझता नन्दा जी की बात को अगर उस वक्त इस कानून का सही तरीके से इस्तेमाल होता । दोनों लोगों को गिरफ्तार कर के जेल में रख दिया जाता तो अच्छा होता । आज कानून किस के ऊपर इस्तेमाल होगा । जो मजदूरों के लिये लड़ेंगे, जो किसानों के लिये लड़ेंगे जो आदिवासियों के खिलाफ लड़ेंगे, उन के खिलाफ । आप इस कानून को बढ़ा सकते हैं क्योंकि आप का बहुमत है । सत्ता की वागडोर आप के हाथों में है । सत्ता की शराब में डूबी हुई सरकार है । आप इस कानून को भले ही बढ़ा लीजिये, लेकिन मैं कहना चाहता हूँ कि सारे देश में नजर-बन्दी कानून को लगा कर, सुरक्षा कानून को लगा कर आप लोगों की जलती हुई आवाज को, जले हुए दिल की पुकार को

नहीं रोक सकेंगे । एक दिन जनता खड़ी होगी और आप के नजरबन्दी कानून के टुकड़े टुकड़े किये बिना नहीं रहेगी, इस का मुझे विश्वास है ।

Shri Sachindra Chaudhuri (Ghatal):
Mr. Chairman, Sir, I rise to speak with sadness and sorrow and not in excitement, nor to make an impassioned speech. I will at once say that standing as I do for individual freedom, this is an odious measure, this Preventive Detention Act. If it is justified it is to be justified on merit. I have however failed to understand the criticisms that have been levelled at this particular measure. I followed very closely the speeches of my hon. friends in the Opposition. The first of them was by Shrimati Renu Chakravartty. Her speech was mostly ridicule and invectives, barbed shafts at the Minister and the administration of the Ministry. She did not point out anything which was really any condemnation of the enactment as such. But what she did point out was this: that according to her, in the actual use of this enactment, there has been persecution of a particular political party to which she belongs, and it had not been used for the purpose of putting hoarders and black-marketeers behind bars.

I heard Shri Masani too who went into the history of this Act, and also, to what happened in countries like America, England and Ghana. My short answer to Shri Masani is that while, it is very interesting to learn the history of this particular enactment and of similar measures in other countries it is equally important for me to point out to him that it is not our concern whether America, England and Ghana do have or do not have such an enactment for the purposes of protecting their liberty. It is their concern and not ours. I do not see any comparison at all possible between those countries and ours. Our country is a federation of many

States; we see and we are convinced that these States make up one nation, but there is a variety of peoples and ways of life, a variety of ideologies and a variety of religions. And the conditions which obtain in this country do not obtain in the United States; they do not obtain in England and do not obtain in Ghana either. Therefore, it is idle to make this excursion across the seas, across the Atlantic. If Shri Masani had been here today, I would have reminded him that an Atlantic excursion often ends in a Titanic disaster.

I also fail to understand why after 16 years of Independence of India, when we have shaken off our political shackles binding us to England and America, we still have an intellectual slavery. We feel that whatever is enacted and whatever is done in England or America is good! I should request my hon. friend to turn to this country, its requirements and its needs.

Then, I listened to the speech of Shri Frank Anthony. I speak in sadness and with pain and sorrow when I refer to his speech. I do not know whom Shri Frank Anthony represents; I take it that Shri Frank Anthony represents only himself he is a nominated Member. I do not say anything about him personally, but I refer only to his speech. His speech was full of abuse entirely unsuited to the oratory of a person who has repeatedly in this House, and even today, reminded us that he is a lawyer serving the law, and that he stands as a protagonist and a supporter of the law. The language which he has permitted himself here would certainly not have been permitted in a court of law. He has condemned the poor magistrates who only try to do their duty. He said District Judges were put on the Advisory Committee, and some who are qualified to be High Court Judges are also on the Advisory Committee; but they are tools of the Government, henchmen of the Government, and that they are appointed by reason of favouritism, and are prepared to carry out the least behests of un-

scrupulous Ministers and an unscrupulous Government. If I had been a lawyer, as he is, oppressed with a consciousness that this Government is corrupt, the judiciary is inefficient and subservient to the Government, I would have at once got myself struck off the rolls, and not bowed to a magistrate or a high court judge who is devoid of responsibility and uninspired by justice. He told us how he had gone to a high court and, according to him, by reason of his legal knowledge and art of argument had persuaded a particular high court judge to rule against the Government in a matter where a decision had been taken under the Preventive Detention Act. Was that particular judge also subservient, or is it Shri Frank Anthony's case that by reason of his eloquence, or brilliance in law and his exposition of the principles of the Preventive Detention Act he persuaded that judge who was a person under the domination of the Home Minister to give a verdict in his favour? I say all this in shame and in sorrow; that anybody who is a responsible Member of this House could possibly condemn by invectives and not by concrete example, by using such terms as unscrupulous, inefficient, etc., and indulge in such a general condemnation of the Ministry and the administration of justice.

Shri Masani and Shri Frank Anthony, both feel that the Preventive Detention Act should be there. They say that a particular party is endangering the security of the country and that party has to be put behind bars without any trial. Equally Mrs. Renu Chakravartty says that anti-social elements, hoarders, etc. should be put in jail. It is not necessary to find out whether they are in fact hoarders or profiteers or not, but on mere suspicion they have to be put behind the bars and she says we will support that. That is, after all, the net outcome of her speech.

If we go into the history of it, in 1919 when there was the Rowlatt Act, we protested against it as a lawless law and yet when we came to enact

[Shri Sachindra Chaudhuri]

our Constitution, we considered it necessary, in our wisdom, to provide that a Preventive Detention Act may be enacted at any time for the purpose of the State. As I said, I value nothing more than individual liberty. But for a long time in this country, the individual has to subordinate himself to the family, the family to the village and the village to the State. If, in the interests of the State, it is necessary to continue this evil measure, it has to be done, because the Government cannot abdicate its obligation or its duty to govern. If it does that, it is not worth its name. If, for that purpose, it has got to have this power, it must be given that power. To punish miscreants who already committed an outrage, there are other ways open. This is only to prevent civil commotion and attempts at subversion of the State, creating disturbances in the life of the community, stopping essential supplies to the community, etc. For such purposes, this enactment has to be used.

I do not know about other States as intimately as I do my own. Something leaps to my mind—the burning of tramcars and people going round and round dancing, as if they were savages dancing round their victim. I am also reminded of the time about a year or 18 months back, when there was difficulty about food and some people were egging on the hungry & poor to try and prevent foodgrains being conveyed to scarcity areas in a regulated manner. These people who go and foment trouble of this description always keep behind the scene; they do not do any overt act which would bring them within the purview of the law as enacted in other enactments. Then, how is the Government going to function if it does not have power to prevent these people who are ready with a match stick burning things? It is for that purpose that this enactment is to be used.

There is a tested safeguard in the operation of this Act which is to be

found from the publication circulated to all Members. At least in West Bengal, where there is the largest number of detentions—258—fifty persons have been released by the advisory board, that very advisory board about the wisdom and independence of which such aspersions were cast. I am not happy that in my country conditions still continue which necessitates a Preventive Detention Act. But at the same time, one has to subordinate one's personal rights for the purpose of seeing that the State continues and progresses.

I adhere to democracy; I worship democracy and I agree with my friends here that democracy is made up of individual liberty. But that individual liberty cannot possibly be set up as a bar to uphold the rule of law. This axiomatic truth I ask my friends to take note of I would ask them in an unimpassioned way, in a practical way, to consider whether or not this measure is the correct measure to adopt.

I am not talking of the emergency. There are other rules to take care of that. I am talking of the ordinary normal times when the spectre of hunger, spectre of want and illiteracy are abroad. Every one of those who suffer from these disadvantages is the right material for being instigated into violence. There are unfortunately a small handful of people who are ready to take advantage of this for their own private gain. Is it proper for the Government to have power to control that small handful of people for the larger benefit and greater good of the community and country? If we put this to ourselves that way, speaking for myself, I have no difficulty—I still have my sorrow and sadness—but I have no difficulty and no weakness in me which would in any way permit me to say, I withhold my support to this measure. Regretfully, sorrowfully, reluctantly I say this evil measure has got to be supported until such time as the atmosphere is better and cleaner and our

friends who are there all the time ready to take advantage of the deficiencies in the country have been persuaded by measures other than putting them behind bars that it does not pay and that the community has got to go on whatever our private individual rights and individual feelings may be. When that time comes, I shall be the first to say, take off this odious enactment from the statute-book; do away with it and let us also obliterate the memory of those horrible times when we had to take a man and, put him behind bars in order to prevent him from doing great mischief to our country and our people.

Shri Manoharan (Madras South): Sir, I rise, on behalf of my party, to oppose this untrustworthy, unscrupulous, obnoxious and undemocratic Act which is before us to get our approval for a lease of three more years. I am perfectly convinced that our Home Minister, Mr. Nanda, is not really happy in bringing forward this Act to get our approval. He might have spoken something in justification of the Act, but I am afraid whether he meant what he said, because I think two considerations have been agitating his mind. One is political obligation and the other is his moral duty. Unfortunately, his political obligation has conquered his moral duty and hence this Bill.

I submit that the Preventive Detention Act is a blot on the statute and it is a nasty projection into the statute which defies proportion. The talked-out intention of this Act is to preserve the security of the country. You know security is not a commodity of a particular individual. It is an issue common to all the people of this country. Having seen to the motive behind the Government, I am convinced that the Preventive Detention Act is not for the security of the country. On the contrary, it is for the security of the ruling party.

If Parliament can be taken as a mirror to reflect the true spirit and aspirations and anxiety of the people

of this country, Sir, we all know the reaction of the people of this country the moment when Chinese aggression on our country took place. We are all for the security of the country and everybody is conscious of that fact. We, Members of the opposition, are in no way inferior to the members of the ruling party, either in maintaining the security of the country or in seeing to it that the country is prevented from invasion by foreign people.

The pilot of this Act, while introducing the Bill defended it by saying that it is for the security of the country. While the Defence of India Rules were being enacted in this House, we were told again that it is for the security of the country. Thereby, I feel the government of the day is making an open declaration to the world that our country is suffering from want of security, not from outside alone but even from within. I think it is an open confession on the part of the Government of India to say that we cannot depend on our people, we cannot depend upon the sense of values and proportion, moral duties and responsibilities of the people; it is an open declaration on the part of the Government to say that we cannot hereafter believe the people, because in order to secure the security of the country we will have to depend on statutes, Acts, enactments and the like. I think it is shameful on the part of the Government of India to rely on legal luminaries to rule the people of this country. Already, we have got the Indian Penal Code, the Code of Criminal Procedure and so many other enactments which deal with particular situations. But the ruling party is not satisfied with the existing laws. It wants still more, and the result of it is the Preventive Detention Act as well as the Defence of India Rules.

Another point I want to stress here is, the basis of this Act is, according

[Shri Manoharan]

to me, power and nothing but power. The intention of this Act is to curb the opposition and to disturb the democratic thought and democratic tradition which we have built for the past so many years, based on the liberality of thought. Therefore, it is high time for the ruling party to refrain itself from this abnormal nonsense and irrationality. The well-known philosopher, Fenelon, has rightly pointed out that power is poison, which corrupts the conscience, hardens the heart and confounds the understanding.

Sir, now I want to quote from a famous author to prove what power could do and what power could make. Here is a quotation:

"My Mistress—Power is my Mistress. The conquest of that mistress has cost me so much that I will allow no one to rob me of her or to share her with me".

So said Napoleon. What is the reaction of the author towards Napoleon? The author says:

"He (Napoleon) was selfish, self-centred and the dominating impulse of his life was not the pursuit of an ideal but the quest of personal power."

I quote it from nobody else but from the lotus-eater of Kashmir, our Prime Minister, who has written a book entitled *Glimpses of World History* (page 361). Probably, he was not aware that the very same paragraph will affect him in future when he becomes the Prime Minister.

Therefore, I am satisfied that the Government of the day has come forward with all these measures to maintain power. If the outcome of the Goa elections is a pointer, I can safely say that the day of doom for the ruling party is sealed.

I want to submit another aspect of this Act. I want to know whether the ruling party is convinced that it could maintain the law and order situation and security and integrity of the country only through laws, Acts, amendments and statutes. Are they afraid of the people and their sense of co-operation? I want to know how many Acts and rules the ruling party want to make to maintain the integrity and security of the country. Has the Government of India depended upon the Acts and rules, and not the people, for the maintenance of integrity and security of the country? The continuance of this Act, I submit, is nothing short of the prolongation of the lacerated idea on the part of the Government of India that the people of this country should not hereafter be counted upon for its support. If that continues to be the view of the government of the day, I am very sorry to point out that the Government cannot hope to steer the ship of the State for long.

I am afraid that if the Preventive Detention Act is continued, the democratic traditions which we have built up, based on the noble idea of liberality of thought, would disappear. Only the other day, an hon. Member of the ruling party was saying that this Act was not misused by the government of the day and that the minimum number of people were arrested under this Act and, therefore, it is a clear example that the government will not abuse the powers. That may be a good argument for him. But if he thinks genuinely that this Act is not being abused, it is very sparingly used and less number of people are arrested under this Act, I want to know why this unwanted Act is still kept in the statute book at all. This Act will give a strong hand, I am afraid, for the executive tyranny to continue unfettered. The Preventive Detention Act, according to DMK, according to the Members of all opposition parties and according to the genuine democratic sentiments of this country is a

cobra in the garden of democratic thought. Hence, I request the government of the day to scrap this Act, as soon as possible and see that normalcy is maintained to prove that the bona fide of the Government is sincere and not intentionally debaucherous. Therefore, the sooner it is removed, the better it will be for the country, for democracy and social values of the country. I hope the hon. Lady Minister will convey these sentiments to the Home Minister, who is missing now, and see to it that this enactment is dropped so that we can have real democracy, which we all cherish and value.

Shrimati Subhadra Joshi (Balram-pur): Sir, is the word debaucherous parliamentary?

Mr. Chairman: I do not know the context in which it was used.

Shri Hari Vishnu Kamath (Hoshan-gabad): It is not unparliamentary but may not fit into this context.

Shri Narasimha Reddy: That word is there in the the dictionary.

Shri Manoharan: I did not use it against any particular person.

Shri Prabhat Kar (Hooghly): He has used it figuratively.

Mr. Chairman: I did not follow the context. There is no question of these words being strictly parliamentary or unparliamentary. It all depends upon the context. Anyhow, as gentlemen we do not normally use them in ordinary conversation.

श्री भागवत शा आजाद : सभापति महोदय, मैं व्यक्तिगत स्वतंत्रता का हामी हूँ। मैं यह विश्वास करता हूँ कि व्यक्ति के बोलने की आजादी, उसकी सम्पत्ति की आजादी तथा उस की हर एक आजादी की रक्षा होनी चाहिए। आज दो दिन से इस सदन में इस आजादी की चर्चा

की जा रही है और इस के समर्थन में यह बड़े बड़े वयान दिये जा रहे हैं लेकिन क्या यह बात सच है कि इस कानून के अन्तर्गत उस आजादी पर कोई खतरा है ? प्रश्न तो यह है कि नज़रबन्दी कानून क्या इस देश की कोटि कोटि जनता के लिए है या केवल कुछ गिने चुने व्यक्तियों के लिए है जो स्वयं इस देश की कोटि कोटि जनता की स्वतंत्रता के लिए एक खतरा बन गये हैं। अगर हम इस को इस रूप में देखें कि वास्तव में इस कानून के अन्तर्गत हम क्या करते हैं, अब तक सरकार ने क्या किया है और भविष्य में क्या करने वाली है तो प्रश्न स्पष्ट हो जायेगा और वह यह है कि यह कानून सिर्फ इसलिए लाया गया था उस समय और पिछली आठ बार इस सदन में इसलिए लाया गया कि इस गणतंत्र में जोकि बहुत ही गिणु है, ऐसे बहुत से तत्व हैं, ऐसी बहुत से अराजकवादी शक्तियाँ हैं जोकि इस जनतंत्र का और उस के गुणों को तोड़ना चाहती हैं। इस लिए यदि हम इस कानून को इस रूप में देखें, तो हम इस का सही निर्देशन कर पायेंगे। आज आजादी के पंद्रह साल के बाद—हम इस के लिए सरकार की कोई तारीफ़ नहीं करते—देश में अभी भी ऐसी शक्तियाँ हैं, जो हमारे जनतंत्र को तोड़ना चाहती हैं। सिर्फ़ हम ही यह नहीं कहते, बल्कि आपोजीशन की तमाम पार्टियाँ भी यह कहती हैं। कल और आज के ब्यानों से यह बात स्पष्ट हो गई है कि ऐसा कानून इस देश में चाहिए, जो कि ऐसे तत्वों का विनाश करे। स्वतंत्र पार्टी ने कहा, सोशलिस्ट पार्टी के सदस्य, डा० लोहिया, ने कहा कि हिन्दुस्तान की कम्यूनिस्ट पार्टी को बैन करने के लिए ऐसे कानून चाहिए। कम्यूनिस्ट पार्टी ने कहा कि इस देश के प्राफ़िटियर्स और बड़े बड़े पैसालों को रोकने के लिए, जो कि बहुत गलतकाम करते हैं और जिन का प्रतिनिधित्व मसानी साहब करते हैं, ऐसा कानून चाहिए। इस प्रकार सिर्फ़ हम ही नहीं

[श्री भगवत झा आजाद]

कहते, बल्कि आपोजीशन की कम्प्यूनिस्ट पार्टी कहती है, आपोजीशन की स्वतंत्र पार्टी कहती है, आपोजीशन की सोशलिस्ट पार्टी कहती हैं, हर पार्टी कहती है कि इस देश में ऐसा कानून अवश्य चाहिए, जिस के अन्तर्गत हम ऐसी राजनीतिक पार्टियों को, अगर वे देश के हित के खिलाफ काम करती हों, ऐसे व्यक्तियों को, जो कि जामूस हों, ऐसे प्राक्रियिज और ड्वैक-मार्केटियज को, जो इस देश की जनता के हितों के प्रतिकूल काम करते हों, बन्द करना चाहिए।

अगर इस बात पर हम सब एक हैं, तो हम देखें कि क्या ताजीराते-हिन्द की जो धारारें हमारे सामने हैं, क्या उनके अन्तर्गत हम यह कर सकते हैं। सब कोई यह जानते हैं कि जिस तरह का आज हमारा ताजीराते-हिन्द का कानून है, उस के अन्तर्गत हम उन तत्वों को बन्द नहीं कर सकते। मैं इस बात का समर्थक नहीं हूँ कि कम्प्यूनिस्ट पार्टी या कम्प्यूनिस्ट को हिन्दुस्तान से वैन किया जाये, क्योंकि मेरे विचार में, जैसा कि अमरीका के भूतपूर्व राष्ट्रपति, सम्माननीय कनेडी, ने कहा, या जो आज खुश्चैव कहता है, इस देश में ही नहीं, बल्कि इस संसार में विभिन्न आर्थिक और शासन व्यवस्थाओं को साथ साथ रहने का अधिकार है, ताकि वे आपस में काम्पीटीशन कर के वह समाज लायें, जिस के प्रति लोगों की अधिक रुचि और सुझाव हो। इस लिए इस परिस्थिति में हम चाहते हैं कि कम्प्यूनिस्ट पार्टी और कम्प्यूनिज्म रहें, लेकिन क्या यह बात इस देश को मालूम नहीं है कि इस कम्प्यूनिस्ट पार्टी के अन्तर्गत वे प्रो-पीकिंग एलिमेंट्स हैं, जिन का नेतृत्व इस सदन में कम्प्यूनिस्ट पार्टी के नेता, कामरेड ए० के० गोपालन, करते हैं? क्या यह सच नहीं है कि उस कलकत्ता में, जिस का हवाला माननीय सदस्या, श्रीमती रेणु चक्रवर्ती, ने दिया, . . .

श्री सरजू पाण्डेय (रसड़ा) : सभापति महोदय, मेरा एक व्यवस्था का प्रश्न है।

मेरा कहना है कि अभी माननीय सदस्य ने एक चार्ज लगाया। इस सदन में यह रूलिंग है कि जो सदस्य या मिनिस्टर जवाब देने के लिए हाज़िर न हों, उन के बारे में ऐसी बातें न कही जायें। श्री ए० के० गोपालन कम्प्यूनिस्ट पार्टी के लीडर हैं। श्री भागवत झा आजाद ने कहा है कि वह प्रो-पीकिंग एलिमेंट हैं। मेरा निवेदन है कि जो सदस्य यहां पर मौजूद न हों, उन के बारे में इस तरह की बातें न की जायें।

Mr. Chairman: There is no point of order. I have understood him. Members are free to talk anything they like. We cannot ensure the presence of every Member here before a Member exercises his right of criticising the attitude of politics.

श्री भागवत झा आजाद : सभापति महोदय, मैं ने सिर्फ यह कहा है कि क्या यह बात झूठ है कि कम्प्यूनिस्ट पार्टी ने स्वयं उस पार्टी के नेता, श्री गोपालन, से यह मांग की है कि कलकत्ता में डेमोक्रेटिक कन्वेंशन क्यों किया गया। क्या था वह डेमोक्रेटिक कन्वेंशन? वह कन्वेंशन उन प्रो-पीकिंग एलिमेंट्स का था, जो इस देश की आजादी और सुरक्षा को अन्तर्राष्ट्रीय कम्प्यूनिज्म के नाम पर बलिदान कर देना चाहते हैं। अगर इस देश में ऐसे तत्व हैं, अगर श्री सरजू पाण्डेय ऐसे तत्वों का समर्थन करते हैं, तो उन को भी प्रिवेंटिव डिटेंशन एक्ट के अन्दर बन्द कर देना चाहिए।

लेकिन मैं जानता हूँ कि कम्प्यूनिस्ट पार्टी में श्रीमती रेणु चक्रवर्ती और अन्य सदस्य भी हैं, जो ऐसे तत्वों का समर्थन नहीं करते हैं। मैं जानता हूँ कि कम्प्यूनिस्ट पार्टी के सेक्रेटरी श्री गोविंदन नायर, उन का समर्थन नहीं करते हैं। मैं जानता हूँ कि कम्प्यूनिस्ट पार्टी में प्रो-पीकिंग एलिमेंट्स कम हैं। लेकिन अगर इस देश में एक भी ऐसा व्यक्ति है, जो इस देश की आजादी और सुरक्षा को अन्तर्राष्ट्रीय कम्प्यूनिज्म के नाम पर बलिदान करना चाहता है, तो सरकार को प्रिवेंटिव डिटेंशन

एक चाहिए और उस के द्वारा उस व्यक्ति को बन्द करना चाहिए। (Interruption) इस बात को जाने दीजिए। यह बहुत बड़ा प्रश्न है। लेकिन अगर इस देश में ऐसे तत्व हैं, जो कि देश की आजादी और सुरक्षा के लिए खतरा हैं, तो सरकार के पास प्रिवेंटिव डिटेंशन एक्ट से आगे भी कोई कानून चाहिए जिस के द्वारा वह उन तत्वों से डील कर सके, उन को बन्द कर सके।

कम्यूनिस्ट पार्टी के मेम्बरों को मैं कहना चाहता हूँ कि इस देश में आज जो मूल्यों का दर बढ़ रहा है, क्या वह इस लिए बढ़ रहा है कि देश में उत्पादन की बहुत अधिक कमी है। यह बात ठीक है कि देश में उत्पादन की कमी है और चीजों की मांग बढ़ गई है, लेकिन चीजों की मांग चीजों के उत्पादन से इतनी नहीं बढ़ी, जिस के कारण चीजों का मूल्य इतना बढ़ जाये। क्या कम्यूनिस्ट पार्टी के मेम्बर इस बात का समर्थन नहीं करेंगे कि इस देश में जो काला-बाजार करने वाले हैं, जो होर्डिज हैं, जो मूल्यों की स्फीति से फायदा उठा कर जन-साधारण के साथ खिलवाड़ करने वाले हैं, उन को इस कानून का प्रयोग कर के बन्द किया जाये? अगर वे वास्तव में साम्यवादी हैं, तो क्या वे इस बात का समर्थन नहीं करते हैं? इस परिस्थिति में प्रिवेंटिव डिटेंशन एक्ट क्यों नहीं चाहिए?

श्री सरजू पाण्डेय : हम यह जानना चाहते हैं कि इस कानून को प्राफिटियर्ज और ब्लैक-मार्केटियर्ज के खिलाफ कितना इस्तेमाल किया गया है।

श्री भागवत झा आजाद : पाण्डेय जी बेकार क्यों चीखते हैं? वह जरा मेरी बात सुने।

Mr. Chairman: I do not like him to stand up again and again. Will he please sit down?

Shri Ram Sewak Yadav: On a point of information, Sir,

Mr. Chairman: Well the hon. Member please sit down? There is no point of information unless the Member gives in

श्री राम सेवक यादव : (बाराबंकी) : माननीय सदस्य बैठ गए हैं। मैं कुछ जानकारी चाहता हूँ।

Mr. Chairman: He has not given in for you. I have asked him to resume his seat. There is no point in standing up and intervening in the debate. If there is any point to be replied, there are other Members who are going to speak and they can refer to that. I am not allowing much time to the Congress Members. If he is willing to answer you, then that is a different matter.

श्री राम सेवक यादव : वह उत्तर देंगे, श्रीमान्।

श्री भागवत झा आजाद : सभापति महोदय, मैं उन के प्रश्न का बिना पूछे ही जवाब देना चाहता हूँ। माननीय सदस्य, डा० लोहिया, ने कहा कि डंडा तुम चलाओ, लेकिन डंडा कानून के अन्तर्गत चलाओ। उन्होंने कहा कि डंडा चलाओ एन्टी-सोशल एलिमेंट्स, ब्लैक-मार्केटियर्ज या होर्डिज के खिलाफ या ऐसी पोलिटिकल पार्टीज के नेताओं या सदस्यों के खिलाफ, जो इस देश के अमन और चैन को तबाह करना चाहते हैं।

श्री राम सेवक यादव : लेकिन होर्डिज के खिलाफ डंडा चलाया नहीं गया।

श्री भागवत झा आजाद : मैं एक उदाहरण देना चाहता हूँ। मेरा क्षेत्र भागलपुर है। अभी तीन चार महीने पहले वहाँ पर एक सिचाई योजना बनी। उस सिचाई योजना के अन्तर्गत पानी सब जगह गया। एक जगह बीस गांवों में, जहाँ की जमीन सोना उगलती है, पानी इस लिए नहीं गया कि इन पोलिटिकल पार्टीज के सदस्यों ने आस-पास की जनता को गुमराह किया, भड़काया और वहाँ पर चैनल नहीं बनने

[श्री भागवत झा आजाद]

दिया, जिस का परिणाम यह हुआ कि उन बीस पच्चीस गांवों की जनता तबाह और बर्बाद हो गई। वह इस लिए तबाह व बर्बाद हो गई, क्योंकि वह इस देश की जनतंत्रीय पार्टी, कांग्रेस, के साथ है, उस को वोट देती है और उस के प्रतिनिधि को चुनती है। मैं ने इस का समर्थन किया कि प्रिवेंटिव डिटेंशन एक्ट के अन्तर्गत उन का चालान करो। उन का चालान किया गया और फिर वहां पर नहरें खोदी गईं, जिन का पानी हजारों एकड़ जमीन में गया और आज वहां सोना लहलहा रहा है।

अमापति महोदय, क्या इस बात के लिए कानून नहीं चाहिए? प्रश्न बहुत स्पष्ट है। कहा जाता है कि विभिन्न देशों में यह कानून नहीं है, अमरीका में नहीं है। मेरी मित्र, कम्युनिस्ट पार्टी की सदस्या, श्रीमती रेणु चक्रवर्ती, ने बड़ा भारी उदाहरण दिया युनाइटेड स्टेट्स आफ अमेरिका का। वह न भूलें कि मैकआर्थर वही पर था। वह न भूलें इस बात को कि अगर कम्युनिस्टों के खिलाफ कहीं पर सब से बड़ी जद्दोजहद की गई, तो वह अमरीका में मैकआर्थी ने की। मैं उस के ही जस्टिफिकेशन पर जोर नहीं देना। उस का जस्टिफिकेशन हो या न हो, लेकिन अमरीका की दुहाई क्यों दी जाती है। यह भी याद रखना चाहिए कि अमरीका में इस संसार के महान् मानवतावादी और शान्ति के प्रबल समर्थक, कैनेडी, की हत्या कर दी गई। काण कि हम यह सोचते कि उस देश में भी ऐसा कानून होता, जिस के अंतर्गत इतनी बड़े निर्मम और बेरहम हत्या न हो पाती।

14-40 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

यहां पर इंग्लैंड की भी मिसाल दी जाती है। लेकिन आप देखें कि दूसरे देशों में जो कानून हैं वे इस रूप में नहीं हैं, इस नाम पर नहीं हैं। यह तो एक बात है। दूसरी बात यह है कि और देशों में कानून

इसलिए नहीं है, इंग्लैंड में कानून इस लिए नहीं है कि वहां पर दो या तीन पार्टियां काम करती हैं, लिबरल पार्टी कंजर्वेटिव पार्टी और लेबर पार्टी इंग्लैंड की पार्लियामेंट में जो पार्टी सरकार में होती है तो दूसरी पार्टियों के नेता या सदस्यगण, जैसे हिन्दुस्तान में होता है वैसे, किसी भी सही बात का गलत उपयोग अपनी पार्टी के लिए नहीं करना चाहते हैं और जो कहते हैं, करीब करीब उस में विश्वास भी करते हैं। हिन्दुस्तान में जो अपोजीशन पार्टियां हैं चूंकि उनका आज तक समर्थन जनता से नहीं मिला है, भविष्य में भी जनता का उनका समर्थन मिलने वाला नहीं है, इसलिए किसी भी अच्छी बात तक का वे विरोध ही करती हैं। यद् किन्तु इसलिए होता है क्योंकि कांग्रेस गवर्नमेंट ने उसका किया है। अगर किसी बैनल का खंदा जाए, अच्छी मिचवाई को योजना हो, तो विरोध इसलिए होता है कि आने वाले तीन वर्षों के बाद वोटों को गुमराह करके उनका अपने साथ लिया जा सके।

प्रिवेंटिव डिटेंशन की आवश्यकता क्यों है? हमारे कम्युनिस्ट मित्र जानते हैं कि रूस में एन चीज है जिग को इकोनॉमिक क्राइम कहा जाता है। हम भी चाहते हैं कि इकोनॉमिक क्राम् के खिलाफ इसका उपयोग किया जाए। वगर्जी माहव जब इस बात को कहते हैं तो हम उनके साथ हैं। जो प्राफिटीयर्ज है, बैकमाकिटीयर्ज है या एमे दूसरे तत्व है, समाजविरोधी तत्व हैं, उनके खिलाफ क्यों नहीं इसका प्रयोग होता है, अगर ऐसा कहा जाए तो हम आसका समर्थन करेंगे। मैं सरकार से अनुरोध करता हूं कि देश की जो आर्थिक व्यवस्था है अगर उसमें कोई गड़बड़ करने की कोशिश करता है, तो उसके खिलाफ इसका उपयोग किया जाए।

मंकटकालीन स्थिति में जब हमारे पास भारत रक्षा कानून है तो इस कानून को क्यों लाया जा रहा है, यह प्रश्न हमारे मसानी

साहब ने उठाया है और हमारे एक कांग्रेसी मित्र ने भी कहा कि उनकी समझ में यह बात नहीं आती है। इसका जवाब साफ है। आप दोनों के प्राविज्ञ को देखें अगर आप ऐसा करेंगे कि तो भेद आपको साफ मालूम पड़ जाएगा। हो सकता है कि संकटकालीन स्थिति हमारे देश में अधिक दिनों तक चले। ऐसी स्थिति में जिन लोगों को इस कानून के अन्तर्गत नजरबन्द किया जाएगा वे बिना किसी और अधिकार का उपयोग किए हुए जेल की सीखच्चों के अन्दर बन्द रह सकते हैं क्योंकि संकट कालीन स्थिति के कारण राष्ट्रपति ने उन तमाम कानूनों को सस्पेंड कर दिया है जिन के अनुसार किसी भी व्यक्ति को यह आज्ञा दी थी कि वह सरकार के किसी भी काम के खिलाफ किसी कोर्ट में अपील कर सके। अगर आप वैयक्तिक आज्ञादी के समर्थक हैं तो आपको प्रिवेंटिव डिटेसन का समर्थन करना चाहिए बनिस्वत भारत रक्षा कानून के। इसका कारण यह है कि इसके अन्तर्गत व्यक्ति को अधिकार है कि वह तीन महीने से अधिक नहीं रखा जा सकता जब तक कि जो एडवाइजरी कमिटी है, वह इसकी इजाजत न दे दे। इस कमिटी में जज के क्लिंवर के लोग हैं। यह दूसरी बात है कि इस सदन के नानिनेटिड मैनबर श्री फ्रैंक एन्थोनी साहब समझते हैं कि हर जज वर्तमान है, हर मैजिस्ट्रेट वर्तमान है, हर मिनिस्टर अनस्कूपुलस है। मैं समझता हूँ कि ऐसा कहने वाला सब से बड़ा अनस्कूपुलस है। यह इसलिए कि इन माननीय सदस्यों के पीछे जनता का कोई मत नहीं है। अगर वह समझते हैं कि यह गवर्नमेंट बड़ी शेमफुल है, बड़ी अनस्कूपुलस है, शासन व्यवस्था में हर आदमी वर्तमान है तो उनको कहना चाहिए कि मैं ऐसी अनस्कूपुलस और शेमफुल गवर्नमेंट का नामिनेशन स्वीकार नहीं करता, मैं इस्तीफा देता हूँ। क्या वह ऐसा कर सकते हैं? नहीं कर सकते हैं। ऐसा करके वह इस देश की पांच सौ से ज्यादा कंस्टिट्यूसीज में से कहीं से भी खड़े हो सकते हैं और देख सकते हैं कि वह कामयाब होते हैं या नहीं—

(इंटरप्शन) नम्बियार साहब बहुत चिल्ला रहे हैं। उनको नहीं मालूम कि एन्थोनी साहब उनको बन्द करना चाहते हैं इस कानून के अन्तर्गत। फिर भी वह उनके समर्थन में खड़े हो रहे हैं। दुर्भाग्य यह है कि यह जो विभिन्न पार्टियाँ हैं, छोटी छोटी पार्टियाँ हैं, उनको जनता का समर्थन प्राप्त नहीं है, तो मिलती हैं केवल एक काम के लिए कि कांग्रेस को उलटने का कोई उपाय करो। याद रखिए कि कांग्रेस पार्टी ने और उसके नेता प्रधान मंत्री नेहरू जी ने इस देश की कोटि कोटि जनता को गणतंत्र का स्वाद चखा दिया है। हम तीन तीन चुनाव लड़ कर आए हैं। बहुत मुश्किल है कि आप दूसरी बार न आ सकें। मेरा मतलब आप से नहीं है, आपकी पार्टी से है। आप आ सकते हैं।

मैं भी व्यक्ति की स्वतंत्रता का प्रबल हामी हूँ। लेकिन मैं आपके तर्क को समझने में असमर्थ हूँ। हम कांग्रेस पार्टी में या सरकार में जो खामियाँ हैं, उनको सामने रखने में किसी से पीछे नहीं हैं। मिड टर्म एग्जेशन जो तीसरे प्लान का हुआ था, उस वक्त क्या सरकार की खामियों की हम लोगों ने आप से कम कटु आलोचना की थी। हम क्या इस बात के समर्थक नहीं हैं कि किसी सदस्य को बिना पूछे, बिना बतलाये नजरबन्द न किया जाए। लेकिन हम यह समझते हैं कि यह कानून सिर्फ उन मुट्ठी भर लोगों के लिए है जो इस देश की जनता की आज्ञादी को खतरे में डालना चाहते हैं। याद रखिये लिबर्टी और लाइमेंस में फर्क है। जो भेद है उसको आप समझिये। यह कानून सिर्फ उन खुफियों के लिए है, उन अन्तराष्ट्रीय तत्वों के लिए है जो ताजेरातेहिन्द के अन्तर्गत पकड़े नहीं जा सकते हैं। आप कह सकते हैं कि पकड़े जा सकते हैं। मैं इस को मानता हूँ लेकिन वह बैंड कारेक्टर के तौर पर ही १०७ या १०६ में पकड़े जा सकते हैं। अगर वैसा किया भी जाता है तो भी आप कहेंगे कि बड़ा जुल्म हो गया। आप किसी क्षेत्र में आ कर वहाँ की

[श्री भागवत झा आजाद]

जनता को भड़का कर उस प्रंचल की हज़ारों एकड़ जमीन को पकने नहीं देना चाहते हैं। आप देश के उत्पादन में बाधा पहुँचाना चाहते हैं। आप कहते हैं (इंटरप्राइज) हमारे सरजू पाण्डेय जी मजदूरों में काम करते हैं। अभी अभी एक वर्कशाप में उसके दोस्तों ने कहा था कि एमरजेंसी तो है लेकिन हम काम नहीं करेंगे। यह भी तब जब कि ए० आई० टी० यू० सी०, इंटक और सरकार में समझौता हुआ था कि निर्वाध रूप में काम होगा। हमारे सरजू पाण्डेय जी की पार्टी ने उस वर्कशाप में बगावत करवाई, घंटी बजवा दी, कह दिया कि काम नहीं करना चाहिये ऐसी चीजें क्या राष्ट्र के हित में हैं? अगर ऐसी पार्टी और ऐसे मजदूर हैं जो इस तरह की हरकतें करते हैं तो मैं नन्दा जी से कहूंगा कि उन को प्रिवेंटिव डिटेंशन में वह जरूर बन्द करें।

एक अन्तिम बात शिकायत के तौर पर नन्दा जी से कह कर मैं समाप्त करता हूँ। हमारे एन्थोनी साहब ने कहा, तथा हमारे लाहिया साहब ने कहा कि बड़े आप उग्र हैं। लेकिन मेरी शिकायत यह है कि आप बड़े नर्म हैं। आप को मजबूत बनने की जरूरत है, दड़ना से काम लेने की जरूरत है। अगर इस देश में आप समाजवाद लाना चाहते हैं तो आप को उन नमाम तत्वों को जेलों के सींखियों में बन्द करना होगा जो उत्पादन में बाधा पहुँचाते हैं, जो देश में शान्ति स्थापित होने देना नहीं चाहते हैं, जो दूसरों के लिये खुफियागिरी करते हैं, अमन चैन में रहने देना नहीं चाहते हैं, एसी कार्यवाही करना चाहते हैं कि जिस में हमारा यह नवजात गणतन्त्र बिना किसी बाध के पनप और फल फूल न सके।

यह कानून बहुत आवश्यक है, मुझी भर लाइसेंस रखने वालों के लिये न कि देश के कोटि कोटि जनों के लिए जिन की लिबर्टी की रक्षा हम करना चाहते हैं और जो देश के प्रति वफादार हैं। उन की रक्षा इस के अन्तर्गत होगी।

Shrimati Sharda Mukerjee (Ratnagiri): I rise to support the Preventive Detention (Continuance) Bill which seeks the continuance of the Preventive Detention Act of 1950.

I have neither the gift of eloquence nor the facility of fabrication which some hon. Members of the Opposition Party have demonstrated and, therefore, I can only give you the facts as I see them.

Indeed, this is a curtailment of individual liberty. But it is also to the credit of Government that in spite of their having this very arbitrary power, the total number of arrests during the whole year has been very small. The statement furnished by the hon. Minister shows that approximately 284 persons were arrested under this Act, and out of them more than 260 were arrested for *goondaism*.

I and the other Members of my party cherish our individual liberty just as much as some of the more articulate Members of the Opposition do. It is not willingly, therefore, that we agree to this arbitrary power to empower Government to detain such persons as may cause harm to society or as may harm the the security of the country. The very fact that the Government want to extend this Act for only three years is evidence of their *bona fides*. As Opposition Members have said, there is an overriding majority on this side of the House; therefore, if the Government were to decide that this enactment should continue for 10 or 15 years, I think it more than likely that they would get the support of the House. But the fact that they want to extend it only for three years to tide us over this period of unsettlement and unrest within the country and till the danger which faces us on our borders passes is an evidence that the Government appreciate the importance of individual liberty in our country and want to have this Act

just as long as conditions in the country do not settle down. Therefore, much against my personal conviction, I do think that in view of the present conditions in the country and in view of the fact that there are in our country diverse elements, social, political and religious elements which can be incited by people purely in exploitation, purely to gain their own end. So long as these conditions exist in the country, it is necessary that for the general security of the people the Government be empowered with this extraordinary power.

Now, let us see what has been alleged against Government. It is alleged by Shri Frank Anthony that the Government are unscrupulous and unprincipled. Yet every five years this Party has gone to the people and come back elected with a large majority. If it was unscrupulous and unprincipled, would the people of India support this Government in such a large majority in three elections held every five years?

Let us see what the passage of this Bill will mean. First of all, it is the first and primary duty of the Government to maintain peace and order within the country. Secondly, the thing to consider is how far individual liberty is in fact curtailed. What is the justification for curtailing it? Here, I would like to agree with the famous writer who wrote on liberty about 100 years ago. I think the same principle prevails in the world today. It was John Stuart Mill who said that the only purpose for which power can be rightfully exercised over any member of a civilised community against his will is to prevent harm to others; his own good, either physical or moral, is not sufficient. That is the yardstick. Is individual liberty going to be exercised in such a manner by some people as to harm the general society and public security? If so, I think we are entitled to empower Government with this extraordinary power which temporarily curtails in-

dividual liberty guaranteed to us in our Constitution.

Our Constitution has given us in article 19, broadly speaking, three fundamental rights. The first is freedom of speech, which means freedom to criticise established order. Does this Bill in any way curtail that?—So long as you do it in a peaceful, orderly manner, there is nothing to stop you from criticising the Government either through the press or on the floor of the House or in any way you like. But if you speak in a manner which will create public disorder and incite violence, then the Government is entirely justified in seeing that it prevents such people from doing such things which constitute a considerable risk to public security and to society. Therefore, this Bill provides only a precautionary measure empowering Government to exercise its power to detain a person before he can cause this risk to society and the country.

The second right guaranteed is freedom of association which means the right to combine against those in power, the right of public speaking and public meeting, and the right to organise protest against the Government. This also is not in any way affected, provided all these things are one in a peaceful manner in a manner not calculated to incite violence or disturbance.

It is in respect of the third right that this Bill effects a curtailment—freedom from arrest except for breach of law. That means, this Bill empowers Government to arrest an individual before he is actually proved to be guilty of a breach of law. If the Government have to wait in some cases, like in the case of *goondas*, where some political motive is there, till an actual breach of law is committed, I am afraid, as conditions are today in our country, it may be too late. I know in my State when the States reorganisation question was on, and we wanted a separate Maharashtra State there was considerable violence and disturbance of the peace. I think that could have been avoided

[Shrimati Sharda Mukerjee]
if some suitable measures had been taken before we went as far as that.

Shri Nambiar: The Act was there. You could have used it, in good time.

Shrimati Sharda Mukerjee: I said 'if they were taken'. It is left to the State authorities to decide whether to exercise a certain law at their disposal or not.

Shri Bhagwat Jha Azad: You cannot understand it.

Shri Nambiar: We have understood it.

Shrimati Sharda Mukerjee: That proves my point that the State uses discretion and restraint and except when it has to, it does not resort to detention.

15 hrs.

What I am trying to say is that although the PD Act is an arbitrary Act, nevertheless the Government cannot afford to act in a manner which violates the provisions of our Constitution which provide us with fundamental rights in articles 19—21. The second thing is that if the Government is not cautious, it cannot get the public support that a government in a democratic set-up has to have. Finally, it may be interesting to know that this Act was passed in 1950 and due to the Supreme Court's judgment it had to be amended four times: 1950, 1951, 1952 and 1954. The Judiciary found that certain parts were *ultra vires* and in deference to that we had to amend the Act. One may say that the Government has the overall power in the country; still the Parliament in our country and the Government in our country are not supreme. The Judiciary can hold the Acts of Parliament as *ultra vires*. I do not agree with Mr. Frank Anthony when he says that the entire Judiciary is influenced by the Government. He says the Government is corrupt, therefore the judiciary is corrupt, so everyone down below is corrupt. That is going too far. For the last 17-18 years Government has maintained peace and order in this

country; that is itself evidence of the democratic principles which we abide by. There are no arbitrary laws such as in those countries which my opposition friends admire. I had been to some of them and also to the Asian countries like Indonesia and I know that freedom is nowhere of the same standard as obtains in our country. So, that goes to the credit of our Government that while maintaining such freedom, it had to detain only about 290 odd people, 260 of whom are *goondas* who violate public security and terrorise people—there are not many political prisoners—or people who have broken the law in the name of religion or other ideologies. In conclusion, I say that this is not a penal act but a preventive Act, for the purpose of the safety and security of our people. Even at the cost of temporary curtailment of individual liberty, it is entirely justifiable. It requires the support of Parliament till such time as we tide over the period of unrest and unsettlement in the country. And, therefore, it is imperative for us to give this added power to the Government.

Shri Nambiar: Sir, it is my misfortune that after eleven years, I have to speak on the same subject. It was in 1952 when we came here first that this subject was raised and Dr. Katju was there. When I spoke in 1952 on the same subject, I had come out of the jail after 2½ years of incarceration under the provisions of this very Act. Much has been said by the hon. Home Minister about the constitutionality of the provision. But he has forgotten to see the Directive Principles of our Constitution:

"We the people of India having solemnly resolved to constitute India into a sovereign democratic republic and to secure to all citizens: Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity: . . ."

After seventeen years of Congress rule, have they managed to progress even a little towards the achievement of these directive principles? To-

day we are in the midst of an economic upheaval and crisis; the common man, the poor worker, the middle-class employee and the unfortunate wage earner all find it difficult to live because of the rising cost of living. In these conditions the hon. Minister speaks of article 22! He says that because there is such a provision, he can resort to preventive detention indefinitely. But have they kept up to their promises prior to coming to power? When they were not in power, they called such measures as lawless law—the Defence of India Rules, Rowlatt Act, section 144; they called them all satanic law. But have they become lawful law immediately after they had come to power? It was in 1948 that the States started preventive detention and that within 12 months of independence it become a lawful law. Mahatma Gandhi and our leaders taught us that the people must be roused and must be made to act; But by this lawless law, the Government are not allowing people to act or move forward. The Preamble in the Constitution says that opportunities should be given to all. But we find the contrary here in practice. The rich are becoming richer, the poor, poorer. What is the opportunity left for the commonman to act so that he can come up to an equal level if it is not to be through their action? Can they believe that the Congress Government which promised everything will bring them all? They say that the people are acting once in five years, in the elections the hon. lady Member said so. Is that the only way that they should act? The hon. Minister the other day referred to unaccounted black money. This money came into being during the last fifteen years of Congress misrule. Why were not people allowed to intervene while this sort of accumulation was going on? When people moved they were brought to book with the help of this merciless law, lawless, draconian law and today they ask: "What is the harm in keeping the law and if we wrongly book, the advisory board is there to release them?"

History shows that all who work for workers and peasants were put behind bars. But can the hon. Minister say with all his conscience that he has booked the culprits who create economic crisis in the country, who inflate prices—one of them at least? On the other hand, they booked hundreds and hundreds of workers' and peasants' representatives and put them behind the bars. In effect they say they are working as the tools of of the vested interest, when this law is brought into play against the people who struggle for their progress and for better living conditions, for which the Congress itself stood for 85 years in this country, and for which Mahatmaji sacrificed his life.

Shri Tyagi (Dehra Dun): Are you sure than those activities were legitimate?

Shri Nambiar: It is for the legitimate rights that the workers and peasants did it. What else is there? By the implementation of this Constitution, is the worker to lose if he gets equality of opportunity, or have the vested interests to lose? If the worker is to be obstructed by anybody in his progress, it is by the vested interests and the Government becomes the tool of the vested interests to oppress the worker, to protect the blackmarketeer, the rich and moneyed class. That is why the Government are still coming forward to keep this law on the statute-book.

I find there is a sort of co-ordination or rather a consensus of opinion running through the minds of Shri Masani, Shri Frank Anthony and the hon. Minister of Home Affairs. In one respect, these two feel that the draconian law should be used against the Communist Party alone. Their complaint is that even once in a way, here and there, because of the pressure of the people, they have to book one or two blackmarketeers, sugar hoarders and businessmen in Delhi. As a lawyer, I like the lawyer-Member, Mr. Anthony, who spoke like that, but both he and Mr. Masani join together to attack us by saying, "Why

[Shri Nambiar].

do you want this law except against the communist party"? So, "ban the Communist party." I can tell you what the Communist party stands for. It stands for the benefit of the poor man, to create suitable living conditions and better standards of living for the worker, the peasant and the middle class employee. We have no vested interests. We have no support of the black money in this country.

If the Communist party wanted to have such powers, they had an occasion to do so in Kerala, when the Communist party was in power there. During those 28 months, so much agitation had been created against the Communist party and we were attacked from all quarters. The Communist Ministry refused to resort to the Preventive Detention Act. The other day, in this very House, the late-lamented Govind Ballabh Pant asked one of us here as to why the Communist party in power had not resorted to the Preventive Detention Act, while it was in power, and if the Preventive Detention Act were used, we could have saved the Government. We never wanted to cling to power like that, because we felt that we must act on the lines and traditions of our national movement. Even before we became independent, the Communist party of India stated that it did not want such draconian laws to be restored to suppress the people and cling to power, just as the Congress misrulers are doing today. Therefore, we never used it. So, I can assure everybody—unfortunately Shri Frank Anthony is not here now—and Shri Masani and his followers that the Communist party is not a party which has to be opposed on the question of this law, because if the Communist party had occasion—and it still has occasion—to rule any part of this country, it can rule without such a law, because it has full confidence in the people for whom it seeks redress. Therefore, this is not going to be used by us.

I must now point out to the hon. Members of this House that two hon.

Members of this House—Shri Dasaratha Deb and Shri Biren Dutt from Tripura are behind the bars under the Defence of India Rules.

Mr. Deputy-Speaker: We are now on the Preventive Detention Act.

Shri Nambiar: Yes, but both the Defence of India Rules and the PD Act have the same effect. From Tripura, they are the only Members elected to this House. The Congress wanted to put up a Raja or a Zamindar against these two gentlemen, but he refused to accept because he knew that he would be defeated at the hands of these gentlemen. I think that these two hon. Members are behind the bars for more than one year under the preventive detention measure. I can say—I may be excused for saying it—that the Government is shameless and even today they are unable to put them before a court in order to punish them, or to give them a charge-sheet. The Government are doing nothing, and those Members are still kept behind the bars, and are prevented from coming to this House. What has happened during the last twelve months, when the Defence of India Rules were invoked to suppress the people?

Shri Nanda: We are now discussing the PD Act.

Shri Nambiar: Yes; both are preventive.

Mr. Deputy-Speaker: They are not the same. We are not concerned now with the DI Rules.

Shri Warior: The Acts are different, but the action is the same.

Shri Nambiar: It was only yesterday that the hon. Minister said that of these two things, one is sharper than the other. That is what he said. He uses a sharper weapon.

Mr. Deputy-Speaker: The hon. Member is a seasoned parliamentarian, and he knows that these are two different Acts.

Shri Nambiar: I bow to your ruling, but what I say is that those two Members are prevented from attending the sittings of the House.

Mr. Deputy-Speaker: He can take other opportunities. Now we are on the PD Act and not on the DIR.

Shri Nambiar: I agree. It is only the decision of the District Magistrate, either to put them under the PD Act or under the DIR behind the bars. Both the provisions are there. They have done it like that. I may submit that 33 persons are still behind the bars in West Bengal. That is not accounted here. That does not come under preventive detention because this blue book conveniently kept them out, and it comes under the black book, which is the Defence of India Rules.

Mr. Deputy-Speaker: We are not concerned with the Defence of India Act now. They cannot come under this Act which is under discussion.

Shri Vasudevan Nair: We can cite examples as to how this Government could misuse the powers that they are taking. We can cite examples how they have misused the powers.

Shri Nambiar: Not only that. In Maharashtra, more than 61 people are behind the bars. In West Bengal, more than 33 are behind the bars, and orders have been issued in regard to Uttar Pradesh and other States. If all these things are put together, what does it come to? It is the suppression of the feelings of the people. Last year, in November, when the DIR was brought in, they had an opportunity to put them under the PD Act or the DIR. They resorted to the DIR. Except those who come under this, others were released. What happened during this one year? Was the defence of India jeopardised by the Communists or their followers? The proof of the pudding is in the eating. Who jeopardises the defence and security of the country? It is the anti-social, internal elements who

do it. It is not the Communist party or their followers. The Communist party and their followers were working hard during this one year for the defence of the country, to improve the defences of the nation. But, on the other hand, in their shops, in the stock exchange rooms, the anti-social elements were acting day in and out, and they have corrupt, black money, and they are creating so much of confusion in this country. Those fellows are being supported indirectly by Shri Masani and company, and also have the blessing of our hon. Home Minister who says that this Act, after all, is there. "We keep it there, and I am not going to use it against them; I am not going to use it against the workers." He said yesterday—

Shri Nanda: I do not want to interrupt needlessly, but it is a total misrepresentation of what I said. I myself stated here, and I acknowledge, that there does not appear, to me to be adequate use in this respect at least so far as this legislation is concerned. It may have been the DIR, etc., against the hoarders and profiteers and all that. I said that.

Shri Nambiar: Yesterday, he stated that the workers have the right to demonstrate, and procession on etc., but if they resort to strike, then he will have to use it.

Shri Nanda: I never said that. The hon. Member insists on saying things like that. Though I said that strikes in these days during the period of emergency will have something of an antinational flavour, I did not say that the Preventive Detention Act will be used against them. I said, "Please stop short of violence."

Shri Nambiar: If that is so, I stand corrected, because it was my impression—

Shri Nanda: Wrong impression.

Shri Nambiar: I am prepared to correct it. But there is one thing. Can we have an assurance from the hon.

[Shri Nambiar]

Minister of Home Affairs that this Preventive Detention Act will not be used against the trade unions and the working class if they struggle for their legitimate rights?

Shri Tyagi: Violence only.

Shri Nambiar: Never violent. The communist party has made it very clear repeatedly that it does not stand for violence. We do not resort to violence. They are always putting forward this pretext of violence us cover to attack the communist party. They have been accusing us of extra-territorial affinity. Now they have nothing to say. When the country was faced with aggression from a communist country, it was the communist party here which rose up and defended the country along with others. Now they are unable to use that pretext. Still Mr. Masani and Mr. Anthony attack the communist party and ask the Government to ban the communist party if it could, because the blackmarketeers and others who oppose the directive principles of our Constitution coming into realisation are very much interested to see that the people's voice must be stifled. It is the communist party with the working class and the peasantry behind is bold enough to defend the cause of the workers even at the risk of going to jail.

Sir, to me jail is nothing new. For several years, I have been in jail. I have not built up a bank balance nor am I interested in any business house in the country. I do not receive any money from any business concern. But why did I defend the cause of the worker? When the national movement impelled us, when the poor men of the country were oppressed by the Britishers, we joined the movement to help the people. That help comes by the strength of the people and not by the mercies of a certain leader. That strength is to be mobilised and galvanised. We,

communists, wanted to serve that cause, for which we were thrown into prison by the same Draconian laws which the same Congress leaders opposed once. Now they find those laws convenient to keep them in power. The taste of power is such that they are prepared to compromise on even their elementary principles.

Sir I was surprised that not even a single Congressman with some conscience has said that this is a Draconian law. Even the hon. Lady Member who just spoke said, "it goes against my conviction and my feeling, but still I have to support it." Why? They support this Bill because they are in the Congress Party and they are intimately connected with the vested interests. Otherwise, how can you understand these speeches? The communist party never indulged in such a sort of thing. Our conscience is very clear. We work for the ordinary man in the street. We have no other purpose. I can tell you in all humility that never in the history of any country there was any occasion when a communist movement or a movement of the workers or peasants could be suppressed by law. If these people have got the humility to study history, the future history will teach them. Hitlers, Mussolinis and Tojos have not succeeded. The neo-Hitlers and Mussolinis also will fail, not because communism is something sacred, but because behind the theory of communism, there is the desire of millions and millions of toiling masses of this country. If today we do not have the strength to challenge the ruling party, the day may come when the working class, the toiling masses of this country, will challenge them. If, afraid of that danger you are trying to put a ban on them . . . (Interruptions).

Shri Tyagi: Workers will always support us.

Shri Nambiar: The Companies Act has been amended to accommodate flow of money into the Congress exchequer from employers which money was utilised in the elections against the people.

Some hon. Members in the opposition and a portion of the Congress Party including Shri Bhagwat Jha Azad—used to speak of socialism—but I understand their socialism now—have joined together in crying hoarse against the communist party today. Even after 16 years of the Congress rule, they want this Draconian law on the statute-book to suppress the communists. God forbid, they are not going to have that opportunity. Let them change their method, the sooner they change, the better it will be for them. I may say here that the communist party, the working class and the toiling millions of this country will not get suppressed by any Draconian measure, whether it be Preventive Detention Act or DIR, but we will sacrifice, and stand by the people and defend their interests till the last.

श्री ज्वा० प्र० ज्योतिषी : उपाध्यक्ष महोदय, विरोधी पक्ष की ओर से उठाई गई दलीलों को मैं ने सम्भीरतापूर्वक सुना । श्री-श्री माननीय सदस्य, श्री नम्बियार, ने कहा कि क्या कारण है कि शासन आज उसी कानून की पुनरावृत्ति करने जा रहा है, जिस को कानून बना कर रखा जाना था । मैं बहुत श्रद्धा के साथ श्री नम्बियार से निवेदन करूंगा कि वह इन बात को याद करें कि वह कौन सा वक्त था, किस देश में ये वह कानून बना कर आया था, उस कानून का उस वक्त मकसद क्या था, कौन से कांस्टीट्यूशन के अन्तर्गत उस कानून को बना कर इस देश पर लागू किया गया । यह बहुत विचारणीय बात है । अंग्रेज इस देश पर शासन करते थे । उन की मन्शा इस देश में शान्ति व्यवस्था कायम रखने की थी । लेकिन किस गर्ज से ? इस गर्ज से कि उन का राज्य मजबूत रहे, उन को जड़ें मजबूत रहें

और इस देश की छाती पर वे अपनी हुकूमत जमाए रखें । इस लिये उन्होंने ऐसे कानून को इस देश पर लागू किया और इसी लिये हम उस कानून को काला कानून कहते थे ।

आज जो कानून इस सदन के सामने है, वह इस देश की जनता द्वारा बनाए गए कांस्टीट्यूशन की धाराओं के अन्तर्गत बनाया जा रहा है । इस देश की कोटि-कोटि जनता ने हम को यहां भेजा है । उस ने हम को यह आदेश दिया है कि हम इस देश में शान्ति और व्यवस्था बनाए रखें । और हम ऐसे नियम और ऐसे कानून बनायें कि इस देश में ऐसे तत्व न पनप सकें, ऐसे तत्व न जोर पकड़ सकें, जो कि इस देश की शान्ति और व्यवस्था को भंग कर सकें । इसलिये यह कानून बनाना जरूरी समझा गया । यहां की जनता ने हम को भेड़ेंट दिया है कि हम यहां पर बैठ कर सम्भीरतापूर्वक विचार करें, और ऐसे कानूनों की सृष्टि करें, जिन के द्वारा इस देश में एक फलफूल वातावरण का निर्माण हो सके, ला एंड आर्डर को भेड़ेंट किया जा सके, जिस के अन्तर्गत इस देश की तरक्की हो सके।

मुझे यह सुन कर प्रसन्नता हुई कि नम्बियार साहब को गरीबों का दर्द है । इस तरह की बातों पर जो हम लोग बैठते हैं, वे भी स दर्द से खाली नहीं हैं । हम इस देश से गरीबी और मुकलिसी को दूर करना चाहते हैं । हमारा यह मकसद है । हम अपनी शान्ति और व्यवस्था और अपने स्वराज्य को उस दिन तक पूरा नहीं मानते हैं, जिस दिन तक हम गरीबी, मुकलिसी और विषमता को इस देश से निकाल कर दूर न कर दें । उसी गरीबी और मुकलिसी को दूर करने के लिये यह जरूरी है कि हम इस देश में शान्ति और व्यवस्था कायम रखें । शासन ने जो कदम इस समय उठाया है, वह शान्ति और व्यवस्था को कायम रखने के लिए ही उठाया है ।

मैं माननीय सदस्य, श्री नम्बियार, और अपोजीशन में बैठने वाली समस्त पार्टियों से यह पूछता हूं कि क्या यह जरूरी है कि हम

[श्री ज्वा० प्र० ज्योतिषी]

इस देश के लोगों को इस तरह की छूट दे कि वे इस देश की शान्ति और व्यवस्था को भंग कर दें ? उन कल-कारखानों में कठिनाइयाँ पैदा कर दें, जिन के द्वारा इस देश में उत्पादन हो रहा है। क्या यह जरूरी है कि हम इस देश में ब्लैक-मार्केटिंग और मुनाफाखोरी को चलने दें, जिस के द्वारा इस देश का बहुत स. धन गरीबों से छिन कर दौलतमन्दा की तिर्जारियों में जा रहा है ? क्या हम उन तत्वों को पनपने दें जो विदेशी लोगों के साथ साठ-गांठ कर के इस देश की आजादी और शान्ति तथा व्यवस्था को दिक्कत में डाल देना चाहते हैं ?

मैं समझता हूँ कि भारतवर्ष में एक भी ऐसा आदमी नहीं है जो इन सब बातों के संदर्भ में यह कहेगा कि जो कानून हम बनाने वाले हैं वह कानून इस देश के लिए मुफीद नहीं है। मैं आज इस तरह के कानून की जरूरत बहुत ज्यादा महसूस करता हूँ। यह हमारे लिए दुख की बात जरूरत है कि हम यहां आज तक ऐसा वातावरण नहीं बना सके जिस में इस तरह के कानून की आवश्यकता न हो। लेकिन स्वर्ग में भी सर्प था और उस से भी आदमियों को पतित होना पड़ा। इस देश में आज भी ऐसे आदमी हैं ऐसे दल हैं ऐसे गलत तत्त्व, हैं जो कि कभी किसी जगह और कभी दूसरी जगह साम्प्रदायिकता फैलाते हैं, तोड़-फोड़ की कार्यवाहियां करते हैं, आपस में अनेक किस्म की गलत-फहमियां पैदा करने की कोशिश करते हैं, विस्फोट पैदा करना चाहते हैं। इसलिये मैं बहुत जरूरी समझता हूँ कि ऐसे तत्वों का दमन किया जाए। यह बहुत आवश्यक है।

हमारे लोहिया जी ने कहा कि लाठी आप चलाइये, मजबूती से चलाइये लेकिन नम्रता रखिये। मैं इस चीज में विश्वास करता हूँ कि शासन जो होता है उस के अनेक पहलू होते हैं। ला एंड आर्डर कायम रखने वाली

जो ताकत होती है, जो शासन होता है, वह मजबूती से चलता है, नमी से नहीं चल सकता है। नीति-कारों ने कहा कि वह शासन नष्ट हुआ, वह शासन कभी नहीं चला जिस शासन ने ला एंड आर्डर मेंटेन करने के क्षेत्र में नमी बरती।

यह कहा गया है कि आजादी के ऊपर, वैयक्तिक आजादी के ऊपर यह आक्रमण है, आदमी को इस तरह से जेल में डालना उचित नहीं है। हम भी आजादी के समर्थक हैं, व्यक्ति की आजादी के समर्थक हैं। आजादी की लड़ाई में हम जैसे छोटे मोटे आदमियों ने भी कुछ किया है। हम ने भी आदमी की आजादी को, देश की आजादी को क्या महत्व दिया है, इस को आप खूब अच्छी तरह से जानते हैं। इस को हम ने खूब महत्व दिया है। आप देखें कि सारे देश की आजादी की रक्षा के लिए, इस देश के ४५ करोड़ आदमियों की रक्षा के लिए, वे सुखी हो सकें, वे सम्पन्न हो सकें, गतिशील हो सकें, आगे बढ़ सकें, इस के लिए अगर इधर-उधर-इक्के-दुक्के आदमियों को जेल में बन्द भी करना पड़ता है, तो उस में किसी को आपत्ति नहीं होनी चाहिये। जिन को हम जेल में बन्द भी करते हैं, उन को वहां पर किसी प्रकार का कष्ट भोगना नहीं पड़ता है। उन को सभी प्रकार की सुख सुविधायें वहां पर मुहैया होती हैं। उन को जेल में पॉलिटिकल फिलोसोफी का अध्ययन करने का मौका मिलता है, दर्शन शास्त्र का अध्ययन करने का मौका मिलता है, अपने कार्यों पर चिन्तन करने का मौका मिलता है, जो गलत काम उन्होंने किया होता है, उस पर उन को पछतावा होना चाहिये। ऐसा करना मैं नहीं समझता हूँ कि कोई गलत चीज है। जेल में डाल कर हम किसी को परेशानी में नहीं डालते हैं, किसी को दुःख पहुंचाना नहीं चाहते हैं, ऐसा करते समय हमें भी दुःख होता है, लेकिन मजबूरी में ऐसा करना पड़ता है, मजबूरी में इस तरह का कदम

उठाना पड़ता है। उन को हम सभी प्रकार की सुख-सुविधायें देने का प्रायत्न करते हैं। हमारे मित्रों को जिन को इस पर आपत्ति है, शान्ति से और गम्भीरता से विचार करना चाहिये। जब वे बाहर आते हैं तो उन को मौका देते हैं कि देश में शान्तिपूर्वक रहे, अच्छे नागरिकों की तरह से काम करें।

यह हो सकता है कि इधर-उधर कुछ खामियां रह जाती हों, कुछ गलतियां हो जाती हों, शासन का कोई कर्मचारी नाराज हो कर कोई गलत कदम उठा सकता है। जब तब गलत मालूमात के आधार पर किसी अच्छे आदमी को भी जेल में हो सकता है डाल दिया जाता हो। मगर मैं कहता हूं कि कौन से कानून के अन्तर्गत इस तरह की भूल होने की सम्भावना नहीं होती है। सारी सुविधायें देने के बाद भी, अपील का अधिकार देने के बाद भी कौन सा ऐसा कानून है जिस कानून के अन्तर्गत इस तरह की भूल की सम्भावना न हो। इस तरह की सम्भावनाओं के बावजूद भी हम उन कानूनों को रखे हुए हैं और कानूनों को जारी रखना हम ने मंजूर किया है। जिस कानून की अवधि बढ़ाना अब चाहते हैं इस से कुछ साथियों को दिक्कत हो सकती है। फिर भी मैं समझता हूं कि इस कानून की जरूरत है और बहुत अधिक जरूरत है, बहुत जोरदार जरूरत है। इस वक्त जब कि हम देख रहे हैं कि इधर उधर स्पाई रिज काम कर रहे हैं, इधर-उधर तोड़-फोड़ की बातें करने वाले लोग आज भी मौजूद हैं, अंडर-ग्राउंड कुछ लोग हैं जो कि अपने काम कर रहे हैं, तो मैं यह कहे बगैर नहीं रह सकता हूं कि यह बहुत ही मुफीद कदम है, जो कि उठाया जा रहा है।

हमारे एन्थोनी साहब को शर्म आती है इस तरह के कानूनों से। वह कहते हैं कि वह लज्जित हैं इस बात के लिए कि इस देश में इस तरह का कानून बनाया जा रहा है, उस की आवृत्ति की जा रही है। उन का कहना

है कि जो व्यक्तिगत आजादी है, उस को इसके जरिये से खत्म किया जा रहा है। मैं यह महसूस करता हूं कि ४५ करोड़ आदमियों की आजादी कायम रहे, इस के लिये अगर हम दो चार या दस आदमियों की आजादी पर कुछ बंदिशें लगाने पर मजबूर हों तो वह उचित ही होगा। कानून की यही मंशा होती है कि उस के द्वारा समाज के अन्दर, देश के अन्दर ऐसा वातावरण निर्मित किया जाए जिस में जो अच्छे तत्व हैं, जो ठीक तत्व हैं, उन तत्वों को अधिक से अधिक विकास का मौका मिल सके। इस कानून का मंशा किसी पार्टी को दबाने का नहीं है, किसी दल को आगे बढ़ाने का नहीं है। यह दुर्भाग्य की बात है कि जो आदमी जिम्मेदारी के स्थान पर होता है, जो पार्टी जिम्मेदारी के स्थान पर होती है, उस को हर जगह यह कह कर बदनाम करने की कोशिश की जाती है कि वह दूसरी पार्टियों को क्रश करना चाहती है, उन को क्रश करने के लिए इस तरह के कानून लाती है। मैं कहता हूं कि इस कानून के सत्तरह वर्ष से लागू होने के बावजूद भी अगर दूसरी पार्टियां पतन सकी हैं, फल फूल सकी हैं, तो कौन सी दलील है जिस के आधार पर यह कहा जा सकता है कि यह कानून दूसरी पार्टियों को दबाने की गंज से लाया जा रहा है, बनाया जा रहा है।

कल हमारी बहन रेणु चक्रवर्ती जी ने कहा कि इस कानून के अन्तर्गत एक कांग्रेसी को भी गिरफ्तार किया गया। यह इस बात का द्योतक है, यह इस बात का खुला सबूत है कि कांग्रेस का एक आदमी अगर कोई गलत काम करता है तो उसको भी गिरफ्तार किया जा सकता है। एक नहीं अगर दस आदमी जो कांग्रेसी हैं, गलत काम करेंगे तो उन दस आदमियों को भी अराजक तत्वों को बढ़ावा देने के आरोप में गिरफ्तार किया जा सकता है। यह कानून किसी दलबन्दी की भावना से बनाया जाने वाला कानून नहीं है। इसका

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एक ही मकसद है, कि चूँकि गरीबी और मुफलसी को देश से दूर करना, पिसा हुआ जो हमारा देश है और जो कुछ ही अर्सा हुआ आजाद हुआ है, इस में शान्ति और व्यवस्था रहे, ला एंड आर्डर रहे ताकि इस देश में तरक्की हो सके। इस देश में जो भी तरक्की के कदम उठाये गये हैं, उनको आगे बढ़ाया जा सके, यही इसका उद्देश्य है और मैं इसका हृदय से समर्थन करता हूँ।

Shri Krishnapal Singh (Jalesar): Mr. Deputy-Speaker, I confess, I have to dissociate myself from the two previous speakers. On the one hand, my Communist neighbour here vehemently protested against this law. So far as his protest is concerned, we all sympathise with him. But I want him to realise that he and his friends have been the inventors or the originators of such laws against which he is now voicing his protest. Therefore, we cannot be sure if the Communist Party were to come in power they would not frame more drastic laws than what the present government have brought before this House. When the hon. Member of the Congress Party who has just finished his speech was supporting this law, I was wondering whether the hon. Member, although he is a very good astrologer, was fully conversant with the subject on which he was speaking.

Now, coming to the subject in hand, I do not wish to deny the existence of certain lawless and anti-social elements in the country. On the contrary, I am sure that they are on the increase. But, then, the whole question is whether it is necessary to bring in such a measure before the House when we already have the Indian Penal Code, the Defence of India Rules, other legislation like the Goonda Act in different States and other laws by which we can check the lawless and anti-social activities. That is the only question. From that point of view, it is not only superfluous

but it is absolutely unnecessary to bring a legislation of this type when we have so many other Acts by which we can control crime.

Then, in the Statement of Objects and Reasons attached to the Bill it is said that the Preventive Detention Act has proved a very good measure for the preservation of law and order.

Now, I wish to question this claim. From what we see in this country, we find that the situation as regards law and order is deteriorating day by day. Ever since this country attained Independence, one has to sorrowfully admit that there has been an increase in crime and lawlessness. The other day, I was reading an article in the *Illustrated Weekly* about Goa and this is what the correspondent who visited Goa recently says:

"I am told on good authority that one could park one's car without raising the windows and leave in it, in full view, any assortment of articles from cheese tins and liquor bottles to a ladies' handbag. But today it is necessary to lock all the doors lest an urchin round the corner be tempted."

It is only a very short time that we have liberated Goa and this so-called liberation has brought about these conditions. That is only for Goa. What do we find here? I have collected some cuttings from various newspapers as regards the incidence of crime in this country and I wish there was time for me to read some of them. Unfortunately, the English papers do not have sufficient space to devote to this subject. But when one reads the local papers in regional languages, one finds that almost every paper reports five or six murders, dacoities and kidnappings. I have been told that in several villages people sit up all night to guard against attacks from dacoits and lawless elements.

An Hon. Member: Therefore, we want a law.

Shri Krishnapal Singh: I will explain to you what I am saying, which my friend has missed entirely, and it is this, the claim that this law has helped in the maintenance of law and order is not correct. That is what I am trying to make out. We have a sufficient number of laws. It is not the paucity of legislation or laws from which we are suffering. In fact, we have too many. What is wrong with our present conditions is that we cannot administer them properly. That is why we have this trouble. The other reason is that although the present Government has laid a good deal of emphasis on the economic and the material values, it does entirely neglect the moral and spiritual values which were a rich heritage of this country. That is a very unfortunate fact. Besides, it has created through this hasty and ill-conceived measures, economic and political conditions which are now responsible for a number of these lawless and anti-social acts. Therefore, I again repeat that it is not the number of laws which will prevent these activities, but it is the way in which the laws are administered and the manner in which our Government behaves. If they themselves want to rob others of their legitimate rights and freedom, they cannot prevent their subjects from doing it. If they want to perpetrate this crime, they cannot prevent others from perpetrating similar crimes. That is the crux of the whole problem.

Speaking about the increase in crimes, I want to mention this here. I had an occasion to visit my own constituency, my home district Etah and I was told that new lawless elements have now come up. It is a universal fashion amongst criminals these days that they have taken to kidnapping. This is not all. If you go to what used to be a prosperous village, you will find that almost all the houses which used to be

a prosperous village, you will find that almost all the houses which inhabited by people who were considered well-to-do, by no means very rich, have all now been deserted. If you enquire the reasons as to why this is happening, you will come to know yourself that these people were in danger of being looted during the day and, therefore, they have migrated to the cities. This is what is happening in the villages. Nobody's life or property is secure.

Another fact which came to my notice was that it is not only the Government tax which people are made to pay. Some of these lawless elements have now the cheek to sit on the State tubewells and extort their own tax. Whenever the operator lets out water into the channel for irrigating somebody's field, these people come and stop it and if a man comes to protest against it, they say, "Well, you pay so much to the Government. You have got to pay to us also if you want water." When he does that, he is allowed to irrigate more of his field than he is entitled to do.

Similarly, I noticed another fact when I visited Madhya Pradesh. There was a contractor who belongs to the ruling Party and who has got a big contract in the forest there. When I enquired from him whether he was quite happy, he said that everything was going on all right but one had to pay double the tax in this part of the country. When I enquired the reason for this, he told me that he had sent some of his men to work in the forest and when they started cutting the trees, some people came—armed, of course—and stopped them from cutting the trees. When they protested against this, the gangsters said, "No. It is all right that you have got the permission from the Government, but you have not got the permission from us." This is what that contractor who is himself a member of the ruling

[Shri Krishnapal Singh]

Party and who belongs to a good family told me and when he paid an equal amount of money to the dacoits, to the lawless elements, he was able to cut wood from the forest, not only the area for which he took a permission but a bigger area. So, that is what happens. This Act or any other Act cannot prevent the increase in crime. What you have to do is that you have to introduce conditions in which crime will not thrive. Otherwise, simply by multiplying laws and enacting laws, you cannot control crime in any country.

Another instance of a recent happening which I would like to cite here is this. Rightly or wrongly, Government passed the gur control order placing restrictions on the movement of gur. And what happened? Sir, I live in a district which is adjacent to Rajasthan where the price of gur is very high. As soon as people realised that there were restrictions on the export of gur to Rajasthan, they tried to obtain permits. They failed. When they found that permits would not be given in large numbers, they said 'All right', and then they went to the police, satisfied them and obtained permits from them, although they were illegal. I am told by the peasants on the border villages of Mathura district that there is no gur available there, and every little ounce of gur has been taken or smuggled into Rajasthan. One has only to imagine what methods are employed by these people. They can better be imagined than described.

This is the condition with which we are faced. I would repeat that merely by enacting this law, we shall not be able to check the increase of crime. Another point which has got to be borne in mind when we pass a legislation like the Preventive Detention Act is whether our executive and judiciary are capable of administering these laws properly. We have some eminent lawyers here.

Shri Frank Anthony while speaking this morning emphasised on this point. I also say that situated as we are, we cannot expect that these extraordinary powers with which we arm our executive will always be used properly. We know that our judicial system suffers from two or three very grave defects. With all due respect to those who adorn the various Benches, it must be admitted that we do not have a system which is satisfactory from the point of view of the poor man. In the first instance, it is too costly. It must be the experience of everybody that a poor man cannot hope to get justice in the same way as a rich man can. He cannot afford to employ able lawyers such as the rich man can. He cannot pay the court fees and other taxes, and he cannot grease all the palms which it is necessary to do before one can expect justice. Besides, justice is not administered speedily.

We have been talking about the separation of the judiciary from the executive. But have we achieved it? Most of the judicial officers who have been newly appointed are still under the executive head such as the district magistrate. And what is the condition of people who will administer these laws? I think that it is known to the hon. Home Minister and to every other Minister and also to the members of the ruling party that every day, everywhere, there are numerous instances where people are arrested without being guilty.

Even the note circulated by the hon. Minister along with this Bill shows that some people have been detained because they harbour dacoits. That is an instance in which I submit that the law has not been properly used. I say that under the ordinary law one could be punished for harbouring dacoits or any criminals. There was no reason why this law should have been brought into play, but there it was. The other day, a gentleman came from Bah, a dacoit-infested

area on the borders of U.P., Rajasthan and Madhya Pradesh. And what story did he narrate? I think he went to the Home Minister too. He has formed a society to deal with this problem, to try to help the people who have been looted or are in danger of being looted. And what did he say? I think that he submitted a note also, and he said that there was greater danger to the people from the forces of law and order than there was from the dacoits. It is most extraordinary and astounding that over 30,000 armed police have been deployed to control about 125 dacoits in all and the gangs have not been liquidated. It is most extraordinary and most amazing that so many armed police are not able to arrest or to liquidate the gangs that are in operation. What is happening? When a dacoit gang is arrested or a dacoit is shot, we find that he has got weapons which are used by the police. Where did those weapons come from? We find that the dacoits have ammunition which is used by the police. Arms licence holders cannot have that type of weapons. So, where do they obtain them from?

So, if we in this House, in a wave of emotion pass this legislation, it would mean placing the powers in the hands of certain people, in the hands of the executive, in the hands of people who are not worthy of using these extraordinary powers. That is what I have to say. I hope that this House will think twice before passing this measure. There are fears lurking in the minds of some of my hon. friends here, and they have been expressed here also, that probably there may be a time—although I do not share that fear, I am not very anxious to return again and again, yet, there are some people who are really afraid that there may be a time—when these powers may also be used for trying to suppress the Opposition Parties. If that happens, that will be a death-knell to the democratic system in our country.

Shri K. K. Verma (Sultanpur): We have been debating over the continuance of the Preventive Detention Act since yesterday, and many Opposition Members have thrown aspersions on the *bona fides* of Government, and they have dubbed this Bill as a blot on the Constitution and they have treated it as undemocratic, and they have a feeling that the Fundamental Rights that have been safeguarded and allowed to the citizens of India are in danger. Many speakers have also alleged that in no other democratic country in the world there is such a law and it is very shameful that in India we have this Act and are going to continue it for another 3 years. At the outset, I would say that the freedom of individuals or citizens does not mean unlicensed freedom, criminal licence. I do not think the framers of the Constitution or the lovers of democracy or those who pose as the defenders of the fundamental rights of citizens would go to that extent. The father of the nation himself, when asked about civil liberty, said that it does not anyhow mean criminal licence. Therefore, in a country when there are such circumstances that the very basis of law is in jeopardy, when we find that certain people are engaged in subversive activities, when we find that the safety of the country is in danger, as custodians of law, the Government in charge of seeing that law and order is maintained and the safety of the country not endangered, has to have such powers whereby it can safeguard our Constitution, our country and also law and order.

16 hrs.

I would also submit that when we speak of freedom of the individual, the civil liberties of citizens, we must also keep in mind that a few people—maybe about 200 or 300—cannot be given the licence to jeopardise the freedom of millions of people in the country. We have to guard ourselves against that contingency also. When we think of the freedom of a few

[Shri K. K. Verma]

individuals, we should remember the freedom of the millions of this country also.

As regards the contention that in no other democratic country, there is preventive detention, I challenge it. England was quoted. But I think the Member who did so, does not know the present position there.

श्री रामेश्वरानन्द (करनाल) : क्या माननीय सदस्य इस में भी इंग्लैंड की नकल करना चाहते हैं? जब अंग्रेज यह कानून लाते थे, तो वे उस का विरोध करते थे और कहते थे कि यह प्रजातंत्र का हनन है, किन्तु आज प्रजातंत्र में वे स्वयं ही वही कानून बना रहे हैं।

Shri K. K. Verma: I am not yielding. Of course, I have no hesitation in acknowledging that in England there is no preventive detention in peacetime. But this principle was recognised there for wartime and it has come to stay since world war one. Regulations have been framed to this effect. So far as the USA is concerned they have also framed such provisions. Similar is the case with Australia, Burma, Brazil and Chile. We have such provisions in these countries. I do not think anybody can dispute that they are democratic countries. They are acknowledged as most advanced countries and old democratic countries, but they have provided for preventive detention.

What is the position in India? It is acknowledged on all hands that our democracy is an infant democracy, we have to protect it so that it may grow strong and develop and there is no danger threatening its existence here. We find on our borders the Chinese threat. It may be that we have not declared a formal war. But can anybody deny that war conditions exist? Unless that threat is disposed of, we are virtually in a state of war. So long as that emergency continues, our Government has every right to take

measures for the protection of and defence of our country. If such conditions exist, I do not see why such a legislation should not be on the statute book.

Some speakers who are non-communist admit that there is a threat from the communists, that their activities are nefarious and subversive of law and so long as that potent threat continues, in their very words the continuance of this Act is called for. Shri Masani contended that this Act was originally brought to suppress the dangerous activities of the communists, but he was expressing surprise why it is now continued for another 3 years. When he admits that there is a threat from the communists and goes to the extent of demanding the banning of the communist party, that specific legislation should be brought to crush their activities, I think in his own words he justifies the continuance of this Act. There is no doubt that we have succeeded in curbing to some extent those activities. So far as the communists are concerned, they also admit that there are anti-social elements and their activities have to be curbed. That being the case, both the communist and non-communist speakers have provided in their own ways grounds for the continuance of this Act. The only complaint on their behalf was that this Act has not been used against anti-social elements. I do not think the allegation is justified. Government would also see that it takes action against anti-social elements in proper cases.

When we find that certain people intend to subvert the integrity and security of India, it is right to prevent them from such activities. It should not be taken that this law infringes on their freedom. Why not say that it protects them from engaging in such nefarious activities as to entail great hardship to them and endanger our country. It protects the freedom of the other individuals. There is no reason why we should be ashamed of continuing this Act which

our Constitution has permitted us to enact. Sufficient safeguards have been provided. Some sort of a judicial procedure has also been provided. So it is not left to the vagaries of any officer or minister. Section 3 of the Act lays down that a person who is detained under this Act should be given the grounds of his detention not later than five days from the date of his detention and shall be afforded the earliest opportunity of making a representation. Section 8 provides that the Central Government or the State Government shall wherever necessary constitute one or more advisory boards. We have provided sufficient safeguards. I think there are valid grounds for continuing this Act.

श्री श्रीकार लाल बेरवा (कोटा) :

उपाध्यक्ष महोदय, कल से अभी तक इस विधेयक पर बहस चल रही है। बहस के दौरान कांग्रेस वालों ने यह कहा कि कम्यूनिस्टों को बन्द कर दो और कम्यूनिस्टों ने कहा कि कांग्रेसियों को बन्द कर दो। इस तरह से बन्द करने की बात चलती रही। बल्कि श्री भगवत झा आजाद ने तो यहां तक कह दिया कि छोटी छोटी पार्टियां तभी संगठित होती हैं जब वे विरोध करने के लिये तैयार होती हैं, उन के पास विरोध करने के अलावा कुछ होता ही नहीं। उन्होंने एक बड़ी अजीब बात कही कि कांग्रेस ने, पता नहीं फतेहपुर गांव कहा गया भरतपुर गांव, वहां गांव को हरा भरा कर दिया और उस में नहरें निकाल दीं। क्या कांग्रेस ने ऐसा कर दिया। वे इस बात को गांवों में ही कह सकते हैं। यहां पर जितने लोग भी आये हैं वे इस बात को जानते हैं कि जो कुछ भी हुआ है वह किसानों के सहारे हुआ है। क्या किसी को यह पता नहीं है अभी तक कि हम ने विदेशों से ८० हजार करोड़ रुपये लिये हुए हैं। आखिर यह किस के बल पर है। यह जनता के बल पर लिया हुआ है, जनता के सहारे लिया हुआ है। यह नहीं है कि सारे का सारा कांग्रेस

के सहारे हुआ है। यह भूल है उन लोगों की जो कहते हैं कि कांग्रेस ने ऐसा कर दिया। डिफेंस आफ इंडिया रूलस जो बनाये गये हैं उन के अन्दर कौन गिरफ्तार किये गये। आग ने देखा होगा कि राम चन्द्र कोचड़ राजस्थान का, जो डाकुओं से मिल कर डाके डलवाता था वह गिरफ्तार हुआ है। रक्षा कोश की किताबें किन के पास ज्यादा मिलीं। कांग्रेसियों के पास मिलीं। मंत्रियों ने भ्रष्टाचार में भाग लिया, कांग्रेसियों ने भाग लिया लेकिन आरोप लगाया जाता है कि छोटी छोटी पार्टियां विरोध करने के लिये संगठित हो जाती हैं। यह क्या है। अभी जितनी चोरबाजारी हुई चीनी की वह क्या है। चोरबाजारी के अन्दर पहले जो शकर मिलती थी वह १५ आ० में मिलती थी लेकिन जब कंट्रोल हुआ तो वह १६ आ० हो गई। यह ४ आ० बीच में कौन खा गया। जनता की आंखें इस पर थीं कि एक किलो मिलनी चाहिये, आधा किलो मिलनी चाहिये या पौन किलो मिलनी चाहिये, लेकिन इस पर नजर किसीकी नहीं गई कि वह १५ आ० से १६ आ० कैसे हो गई। क्या इस टाइम में गन्ने का भाव बढ़ा। गन्ने का भाव तो अभी बढ़ा जब शुगर १ रु० ३० नए पैसे हुई। ब्लैकमार्केटिंग करने वालों पर नजरबन्दी कानून नहीं लगाया जा सकता। मैं जानना चाहता हूं कि उन को गिरफ्तार क्यों नहीं किया गया। गुड़ की की चोरबाजारी करने वालों को गिरफ्तार क्यों नहीं किया गया। दिल्ली के अन्दर कोआपरेटिव सोसायटी ने कोयले में लाखों रुपये कमाये, उन को गिरफ्तार क्यों नहीं किया गया। गिरफ्तार किन को किया गया। तिब्बिया कालेज के छात्रों को, जिन के ऊपर लाठियां चलाई गईं। पुराने किले के शरणाधिकारियों को निकाला गया। पेपरमिल के लोगों को गिरफ्तार नहीं किया गया। जम्मू के अन्दर प्रजा परिषद के मेम्बरों को गिरफ्तार किया गया लेकिन गुडों का काम किसने किया। नेशनल कांफ्रेंस ने। और गिरफ्तार किस कानून के मातहत किया गया। इसी नजरबन्दी कानून के तहत। हमारी सरकार आज दो

[श्री श्रीकार लाल बेरवा]

घोड़ों पर सवार होना चाहती है। राजस्थान के अन्दर कोटा की एक मिसाल देता हूँ। पांच सशस्त्र कमालखां नाम के एक योद्धा हुए हैं। पहले से यह बात चली आ रही है कि वह दरबार की सवारी के आगे आगे चलते थे। इसी प्रकार हमारी सरकार दो शस्त्रों वाला कमालखां बनना चाहती है। उस के पास डिफेंस आफ इंडिया रूल है जो कि बहुत ही कड़ा रूल है, किसी को हिलने ही नहीं देता। उस के बाद यह नजरबन्दी कानून है।

इस कानून को लागू करने से क्या होगा कि अगर कोई व्यापारी वर्ग, कोई लेबर वर्ग, किसी तरह की हड़ताल करेगा या किसी तरह का आन्दोलन करेगा, या कोई विरोधी पार्टी किसी तरह का भाषण देती है तो उन को फौरन गिरफ्तार कर लिया जायेगा और कहा जाता है कि वह नजरबन्दी कानून के अन्तर्गत किया गया है। हम ने सोचा था कि इस डिफेंस आफ इंडिया रूल से या नजरबन्दी कानून से भ्रष्टाचार मिटेगा, लोगों की आमदनियां बढ़ेंगी, लेकिन हुआ क्या। ४० परसेन्ट महंगाई और बढ़ गई और जब तक नजरबन्दी कानून रहेगा, यह संकटकालीन स्थिति रहेगी तब तक यह बढ़ती ही चली जायेगी क्योंकि व्यापारियों को, मिलमालिकों को यह सहारा मिल रहा है कि संकटकालीन स्थिति है इसलिये यह कानून बना ही रहेगा। सब से पहली बात यह है कि यह जो ४० प्रतिशत महंगाई बढ़ी है, वह संकटकालीन स्थिति के कारण बढ़ी है। पहले यह महंगाई नहीं थी। एक तरफ तो हमारी यह सरकार हम से कहती है कि संकटकालीन स्थिति है लेकिन वह खुद क्या करती है। अभी जयपुर के अन्दर ३ नवम्बर से कांग्रेस का अधिवेशन हुआ जिस में १५ लाख रुपया धुआं की तरह उड़ा दिया गया और २५ तरह की मिठाइयां बनाई

गई। क्या यह चीज नजरबन्दी कानून के अन्दर नहीं आती है। हमारे प्रधान मंत्री कहते हैं कि बिजली कम जलाओ, शादियों में खर्च कम करो और दूसरी तरफ यह सारे राग रंग होते हैं। यह जितना भी हुआ, १५ लाख रुपया जो खर्च हुआ हमारे देश का वह उस समय हुआ जब कि राजस्थान के बच्चे भूख से तड़प रहे हैं, पानी न मिलने के कारण मर रहे हैं। हमारे ६० हजार मवेशी गांव छोड़ कर बाहर चले गये हैं, कम से कम ३० हजार आदमी घर वार छोड़ कर अपने बच्चों को ले कर दूसरी जगहों में चले गये हैं और हमारी कांग्रेस सरकार उन की छाती के ऊपर अपने अधिवेशन कर रही है जिस में कि १५ लाख रुपया उड़ा दिया गया। जो लोग रोटी मांगते हैं उन को अरेस्ट किया जाता है। इसी तरह से जो भी कोई मांग करता है उस के साथ होता है। हमारे स्वर्णकारों के साथ क्या हुआ। उन के ऊपर डिफेंस आफ इंडिया रूल लगा कर उन की रोजी और रोटी छीनी गई। इसी तरह से अगर कोई पार्टी उन का साथ देती है तो उन को भी जेल के अन्दर टूट दिया जाता है। नजरबन्दी कानून की अगर आड़ मिल गई तो जो छोटी छोटी पार्टियां हैं अगर वे उन लोगों को इकट्ठा कर के बोलेंगे, कोई भाषण देंगे तो उनको फौरन गिरफ्तार कर लिया जायेगा। क्या यह नजरबन्दी कानून इन पार्टियों के लिये है। गुंडागर्दी को रोकने के लिये सरकार के पास लम्बे हाथ हैं, उस के पास पुलिस पड़ी है, सी० आई० डी० है अगर वह काम नहीं करती तो यह नजरबन्दी कानून लगाने से क्या हो जायेगा। क्या इस तरह से गुंडागर्दी रुक जायेगी। गुंडागर्दी कभी नहीं रुकेगी। इस कानून के अन्दर आप ने कितने आदमियों को गिरफ्तार किया। यहां पर ४४ या ४५ करोड़ आदमी हैं उन में से अगर आप ने हजार बारह सौ आदमी गिरफ्तार भी कर लिये तो उस से क्या होता है। कम्युनिस्टों के ऊपर नेहरू जी का हाथ

या, इसलिये वह आगे बढ़ाते गये, रूलिंग पार्टी पर नेहरू जी का हाथ है, इसलिये कुछ नहीं हुआ। अगर इस कानून को सख्ती से पालन करना है तो जितने कम्युनिस्ट आदमी हैं, जो कि देश विरोधी कार्रवाइयाँ करते हैं, या दूसरे लोग करते हैं उन के ऊपर इस कानून को लागू किया जाना चाहिये। जनता के ऊपर इस नजरबन्दी कानून की धाराओं को लागू नहीं किया जाना चाहिये जिस में कि वे कुचले जायें। इसलिये मेरा निवेदन है कि इस कानून को रखने की कोई जरूरत नहीं है क्योंकि अगर सरकार परवाह नहीं करती है और इसी तरह से रेजोल्यूशन की बात करती है तो यह कानून बेकार जनता पर थोपा जाता है। मेरा निवेदन है कि इस बिल को जल्द से जल्द उठा लिया जाय। जब तक यह कानून रहेगा, तब तक भाव बढ़ते रहेंगे, और जो ४० पर सेंट महंगाई हो गयी है वह घटेगी नहीं। जब तक यह संकटकालीन स्थिति रहेगी तब तक भाव बढ़ते रहेंगे।

Shri Jaipal Singh (Ranchi West): Mr. Deputy-Speaker, Sir, the hon. Members who have been in Parliament for many years will recall that I have always opposed the preventive detention measures. I have been consistent in my attitude, and my attitude has been—not that I have been unaware of certain difficult situations of an emergency and the like—that the ordinary laws of the land were adequate. Personally, I would never deny any liberty. I see no ruling future at all from any of my hon. friends here, and whichever ruling party is there, it should have powers for the defence of the realm. To me, it is purposeless, it is meaningless, it is futile to argue by taking instances of other countries. We are a democracy, but it does not mean that democracy as it is functioning in this country is the same democracy as it functions in other countries. The other countries have mature democracies. We are an infant democracy, and we have yet to mature. So, it ill befits us to quote other countries.

The question is, is there or is there not any emergency? If the Defence of India Rules have been brought in, what is the necessity of the Preventive Detention Act? Why prolong its life? Why not have it by itself? Why have the Defence of India Rules in addition? I would like to dissociate myself with every Member either on this side or anywhere else who has been accusing the Government of having this as the instrument solely for suppressing the Opposition, big or small. I have been in the Opposition long enough. All that I can say is this is a very cheap charge against Government. The only way Government can destroy this attack is to see that, hereafter, only the Congressmen will be detained under the Preventive Detention Act! It would be a very, very good measure, because there are enough people in the ruling party, I think, who would benefit by this measure. I feel that placed as we are, the continuance of this Act is still necessary.

One of my hon. friends earlier was talking about the rich and the poor: the rich man could employ lawyers to protect himself, but the poor man could not. If that is the case, I think he should have supported the continuance of this Bill, because here is a Bill where really the question of the rich and the poor does not come in. It is there. My main argument for supporting this is the question of immanent emergency. My very, very dear friends like Shri Masani and others think that the emergency has disappeared. As far as the thinking of the ruling party is concerned, their activities are concerned—I think I am prepared to agree with him—they are not aware of the emergency. They have failed to take advantage of the emergency. The emergency was there for them, for the country to mobilise itself for a few months, but after that, the ruling party, our rulers over there, have gone off to sleep. But the emergency is very much there. Make no mistake about it. Therefore, I would submit that we should continue this, because

[Shri Jaipal Singh]

much as I dislike it, and which I always opposed—the prolonging of the life or longevity of the Preventive Detention Act—I do feel that facts are there, staring us nakedly. It should be on the statute because we never know when we shall need it. It is not a question whether we need it to be used against the Opposition. I do not think the question of using it against the Opposition arises at all as far as I am concerned. They have been harping on that point, but I am not convinced.

I have myself been in the Opposition long enough and I know it is just not true. But the question is, for whom or against whom is this Preventive Detention Act used? For what purpose? Is it for the defence of the realm, for the security of the State, or is it merely against the anti-social elements so called? I think the Home Minister and his colleagues in the States have to make up their minds on this. They have not made up their minds. I do not know what they are doing. That is my feeling.

We were told times without number about the separation of the executive from the judiciary. That is where the mischief began. There is no morality for the Preventive Detention Act to continue so long as you have the executive and the judiciary in the same hands. That is where the mischief comes in. The moment you have the executive separated, divorced from the judiciary, then the Preventive Detention Act cannot be objected to by anybody. It is an extraordinary thing that in my own State of Bihar, where in the hill areas, there is a very, very strong Opposition to the Congress . . .

An Hon. Member: That is not correct.

Shri Jaipal Singh: I would like to meet him in the hill areas just to demonstrate to him as to whether he is right or I am right. Everywhere

else, the judiciary has been separated from the executive, but not in the hill areas where there has been this persistent opposition.

An Hon. Member: Punjab.

Shri Jaipal Singh: I do not know Punjab to talk about it. But I am somewhat suspicious about this sort of thing. Why, when we got an assurance on the floor of this House, is this not happening—namely, the separation of the judiciary from the executive? You cannot be the prosecutor as well as the judge. That is what is happening now. The Preventive Detention Act is a denial of justice if you have both these authorities in the same hands.

I do not want to say anything further. I do feel that the bigger issues are there: that the emergency, whether it is on the surface or not, is very much there. I do feel strongly that there is very good ground for this Act to continue.

Dr. M. S. Aney (Nagpur): Mr. Deputy-Speaker, Sir, I entirely agree with my hon. friend Shri Jaipal Singh with regard to the necessity and the use of this measure. I have been embarrassed and have felt sorry when a measure of this type is put on the statute-book, because the history of the Congress is that it has been consistently opposing all measures that go to curtail the liberty of the subject and liberty of action, and liberty of the opposition. In fact, the entire struggle for freedom by the Congress has been based on securing liberty. The Congress has bitterly fought against the Rowlatt Act, and ultimately the Jallianwala Bagh incident took place. It was then that the demonstrations against the Government policy became bitter and Mahatma Gandhi joined issue with the Government. He doubted the bona fides of the British on account of the attitude they took dealing with the questions arising out of the inquiry into tragedy

of Jallianwala Bagh. Thus, the repeal of the repressive measures has been the strongest point in the Congress plank all along before we gained independence.

When the Congressmen came into the Council in 1924 for the first time, from that day up to 1947 you will find that several resolutions were moved by the Congressmen particularly to repeal all the repressive measures. My late friend, than whom a greater parliamentarian I have not yet seen, Shri Satyamurthi, moved a Bill for the repeal of all repression laws and the debate went on for several days. It is still ringing in the ears of those who have heard him. That was the attitude of the Congress. People thought that if Congress became the governing party, the first thing they would do would be to do away with all those measures. But what they actually find is for one reason or other, instead of minimising the number of repressive measures, they are adding to the catalogue some new measures. That is the reason why people fail to understand whether the Congress is following the principles which they advocated in pre-independence days. That is why people feel very bitter.

But one fact is also there. The Congress is no longer a party in opposition, as it was then. It is now a party in power and it has to look at the things from two points of view, with a view not only to give good Government to the people, but also to see that life and property of the people and the integrity of the nation are protected. Who can deny that one year before, when we were faced with the terrible calamity of Chinese aggression, we in this House realised the danger and passed a resolution? The Chinese aggression at once aroused in the people a sense of solidarity and the necessity of standing as one man in order to expel the aggressor. It was at that time that the Defence of India Act was promulgated and the President also issued all those rules.

Now the question is, if we realised the danger and gave our consent to the passing of all those measures and accepted the situation created by these laws which were passed by the House, do we say that that emergency has gone? It is true the way in which the Government is behaving many times shows that they are keen about many other things more than those things which really give them the necessary strength and power to fight the Chinese aggression. You can blame them for that. But we find that every day questions are being put in this House by those very friends, who have opposed this particular measure, about the activities of the Chinese and Pakistani people. They go to show that they are preparing for more aggressive steps to be taken. If that is the situation, there is one duty that we have to do. Whether the Government is right or wrong, it is our duty to see that they must do the right thing. If they do not do it, you can blame them. But because they are committing mistakes, because they are taking a lukewarm attitude, we should not forget our duty.

For this reason, as a loyal citizen of India, I have taken the oath to be loyal to the Constitution. It is the duty of every Indian to support this measure which is intended to uphold and strengthen the hands of the Government to tide over the emergency. With these words, I give my wholehearted support to this measure. At the same time, I want to tell the Government that they must take action with a view to create the confidence in the minds of the people that they are doing everything to vacate the Chinese aggression.

Shri Muthiah (Tirunelveli): Sir, I extend my support to the Bill before the House, namely, the Preventive Detention (Amendment) Bill, which seeks extension for three years. There is nothing in the Preventive Detention Act of which people who are loyal and law-abiding should be afraid. The Act is intended only for disloyal peo-

[Shri Muthiah]

ple, who are spies, who are anti-national and anti-social, who indulge in all sorts of subversive activities. So, a person who is really loyal to the country, who is patriotic and law-abiding need not fear the Act as it is.

Some members of the opposition say that this Act is intended against the opposition parties. I may tell them that the Government has no intention to suppress the opposition parties. So far the Government has scrupulously avoided suppressing the opposition political parties. This Preventive Detention Act was in use in India, in U.K. and in U.S.A. during the two world wars and conditions have justified the continuation of this Act. Even in such a highly advanced and democratic country as USA, circumstances justified the passing of the Internal Security Act in 1950 and the Act is still in force. The Preventive Detention Act is intended to ensure the defence and security of the country and to ensure the maintenance of law and order and to maintain essential supplies and services for the community throughout the country.

Let me say that the circumstances that prevail today in the country justify the extension of the Act. The circumstances today have not improved. They are still the same as what existed in 1950 when this Act was passed first. Even today there are so many anti-national, anti-social, separatist and subversive elements in the country and they are very active. It is the duty of responsible Government to see that such subversive, separatist, anti-national and anti-social elements are properly dealt with. The Preventive Detention Act is meant for quick action and immediate removal of possible instigators from the scene of possible strife. The ordinary criminal laws of the land are not adequate to deal with such difficult and dangerous situations, because to the ordinary criminal laws of the land, people who are suspected strongly cannot be dealt with. It is only by this Preventive Detention Act

that people who are strangely suspected of anti-national, subversive and anti-social activities can be dealt with. This Act is necessary to ensure social stability and individual freedom. It is absolutely necessary to curb and restrict the anarchical freedom of a few people in order to ensure the freedom and liberty of a vast majority of the people. Professor David Bayley in "*Preventive Detention in India*" has ably substantiated the argument that preventive detention, as it prevails in India today, is in perfect conformity with sound democratic traditions.

Some hon. Members of the opposition say that the Preventive Detention Act is unconstitutional. Let them remember that in the Constitution itself there is one article, article 22, which provides for preventive detention. The framers of the Constitution found it necessary to make provision for preventive detention because at that time there were so many anti-national, anti-social, separatist and subversive elements. The members of the Constituent Assembly found it imperative to incorporate article 22 in the Constitution to deal with such dangerous situations.

There are many reasons why we have to support this Act. Firstly, the interests of the society have to be protected as against the interests of a small number of undesirable and anarchical elements. Secondly, the Act is primarily directed against terrorist and violent activities and the Government, as I said earlier, has the primary responsibility of maintaining law and order in the country and protecting all loyal and law-abiding citizens from such anarchical elements. Then, the Act has a deterrent effect on provocateurs, instigators, dacoits, blackmarketeers, goondas, spies and other anti-national and anti-social elements. We have to remember that the state of emergency is not a permanent phase. It may be terminated sooner or later and at such a time the powers under the Preventive Detention Act

have to be kept in reserve for timely application.

Some people are unnecessarily afraid of this Act. They should bear in mind that there are sufficient safeguards in the Preventive Detention Act as well as in the Constitution to protect the detained people and to prevent arbitrary action on the part of the Government. The various safeguards are: that no one can be detained for more than three months without the approval of the Advisory Board, that the grounds of detention have to be communicated within five days of the date of detention and that the detenu should be given an opportunity to make a representation against such an order. Then, every case of detention has to be referred to the Advisory Board within 30 days of the date of detention and the Board has to enquire and report within 70 days of the date of detention. The Government is bound to release the detenu forthwith if the Board decides in favour of release. Further, the detenu is empowered to move the High Court and the Supreme Court for a writ of *Habeas Corpus*. All these safeguards are there and so people need not be unnecessarily afraid of the Preventive Detention Act.

The figures of detenus as given in the statistical information show how the Government has been very cautious and restrained in dealing with anti-national elements. The average number of detenus in recent years is only 200 to 300. The smallness of the figure shows the great restraint exercised by the Government. If we look at the figures, we find that the detentions are mainly for dealing with anti-social and anti-national elements and the goondas. The largest number of detenus are goondas, and goondaism today is on the increase in large cities like Bombay and Calcutta. It has become a menace and it has to be dealt with. We all know that the goondas cannot be dealt with by the ordinary laws of the land, because, people are mortally afraid of the goondas and very few

people come forward to give evidence against the goondas. Therefore, Government should have special powers, powers that are enshrined in the Preventive Detention Act, to deal with such goondas. The Preventive Detention Act is the only check against goondaism. For these reasons, I support this Bill.

श्री शिव नारायण (बांसी) : उपाध्यक्ष महोदय, सारी की सारी अपोजीशन गायब है। यह इस बात का सबूत है कि गवर्नमेंट ने बहुत ही सुन्दर कानून इस सदन के सामने पेश किया है। हमारे लोहिया साहब गायब हैं। श्रीमती रेणु चक्रवर्ती जी गायब हैं। उनको कोई परवाह नहीं है। सारी कम्युनिस्ट पार्टी विवट कर गई है। एक दो माननीय सदस्य ही बैठे हुए हैं। इसका [साफ मतलब यह है कि यह कानून बड़ा ही सुन्दर है, ठीक है, अच्छा है।

यह कहा गया है कि यह काला कानून है। मैं कहता हूँ कि अगर यह काला कानून है तो इस देश में इस कानून से भी ज्यादा काले लोग हैं, जिनके दिल काले हैं, जो देश के प्रति वफ़ादार नहीं हैं। मैं होम मिनिस्टर सरदार पटेल की प्रशंसा करता हूँ जिन्होंने इस कानून को हाउस में पेश किया था। उन्होंने इसलिए इसको पेश किया था कि इस मुल्क में कम्युनिज्म का डिढोरा पीटने वाले ऐसे तत्व मौजूद हैं जो कि सेवोटज करना चाहते हैं। मैं तो कहूँगा कि गवर्नमेंट की स्लैकनेस की वजह से ही ऐसी बातें होती हैं। आज लोग तो पिस रहे हैं लेकिन प्रो-पेकिंग वाले मौज कर रहे हैं। हमें गालियाँ देते हैं। मैं तो कहूँगा कि यह गवर्नमेंट की भलमनसाहत है कि उनको वह मौका दिए हुए है, उनको खुली छूट दिये हुए है। वे खुले तौर पर घूमते फिरते हैं और हिन्दुस्तान के खिलाफ, और गवर्नमेंट के खिलाफ एजेंटी करते फिरते हैं, बाहर दुश्मनों की मदद करते हैं। इससे बड़ी लीनियेंसी गवर्नमेंट की और क्या

[श्री शिव नारायण]

हो सकती है कि वह उनको टालरेट कर रही है। मैं अपोजीशन वालों से पूछता हूँ कि वे इसका जवाब दें अगर उनमें दम है तो। कामत साहब बैठे हुए हैं, वह आई० सी० एस० हैं, विद्वान हैं, बतलायें कि क्या यह सही नहीं है कि आज मुल्क में बोलना कठिन हो गया है, इस हाउस के अन्दर भी मैं तो कहूँगा कि इसकी जरूरत है। जब स्पीकर साहब चेयर में बैठते हैं तो दर्जनों खड़े हो जाते हैं, मनमाना बोलना शुरू कर देने हैं, डिमिप्पिन का सब से वैस्ट नमूना इस हाउस में देखा जा सकता है। यह सुप्रीम बाडी है इस देश की। यहां का ये डिमिप्पिन बिगाड़ा करते हैं, ला एंड आर्डर मेंटेन नहीं करते हैं। जब यहां यह हाल है तो बाहर क्या हालत हो सकती है, इसका अन्दाजा आप लगा लें। मोटरों में चलते समय, ट्रेज में सफर करते समय गवर्नमेंट को बड़ी गालियां दी जाती हैं, मनमाने ढंग से दी जाती हैं, कोई रूकावट नहीं है, कोई डिमिप्पिन नहीं है।

मैं कहना चाहता हूँ कि केवल डिमिप्पिन मेंटेन करने के लिए हम यह कानून लाए हैं। इससे हम अपने आफिसरों के हाथ मजबूत करना चाहते हैं। हमारी बहन रेणु चक्रवर्ती जी ने अमरीकी प्रेज़ीडेंट कैंनेडी को कोट किया है। वहां का कोटेशन दिया है। मैं कहना चाहता हूँ कि जो अत्याचार हुआ है, जो जुल्म हुआ है, वह जुल्म और सितम इन हाउस में रिपीट करने की क्या जरूरत है? शर्म की बात है अगर हम उसकी रिपीट करें। इसका रिपीटीशन न यहां होना चाहिये और न बाहर। इसी लिए इस कानून की जरूरत पेश आई है ताकि वक्त जरूरत हमारे अपेक्षर इसका इस्तेमाल कर सकें बजाय इसके कि इसको लैप्स होने दें और फिर दुबारा इसको पास करवायें। इसको बनाये रखना बड़ा जरूरी है। सब को प्रोटेक्शन दिया गया है, सब मौज करते हैं डी० आई० आर० है,

तथा दूसरे कानून हैं लेकिन हम उनको अमल में नहीं लाये हैं। मैं होम मिनिस्टर साहब से दरखास्त करता हूँ और यह मेरी उनसे शिकायत है कि क्या वजह है कि गांवों में आज जीना दूभर हो गया है, क्या वजह है कि आज वहां गुण्डों का राज है, ब्लैकमार्किटीयज से, चोरों से, बदमाशों से डर है? क्या वह इनका दमन नहीं कर सकते हैं और अगर कर सकते हैं तो क्यों नहीं करते हैं। मैं चाहता हूँ कि वह इस कानून को युटिलाइज करें और सही तौर पर इस्तेमाल करें।

साम, दाम, दण्ड, भेद, चार प्रकार की राजनीति होती है। अगर उसमें कोई आप डील करेंगे, कोई रियायत करेंगे तो इसके नतीजे अच्छे नहीं निकल सकते हैं? क्या शासन को अपना काम नहीं करना है? मैं कहता हूँ कि आप सपेरो को दूध मत पिलाइये। ये आपको उस खायेंगे एक दिन। कम्युनिस्ट पार्टी वाले भाई घुमते फिरते हैं, खड़े हो कर हमको उपदेश देते फिरते हैं, ये अपने कारखानों को देखें। इस मुल्क का इतिहास क्या बताता है। १९४२ और १९६२ के इतिहास को आप देखें। इनके नक्शे को आप देखें। १९४२ में तो इन्होंने कहा था पीपल्स वार चल रही है, अंग्रेजों के खिलाफ वगावत मत करो और १९६२ में इन्होंने चीन का भारत पर हमला करवा दिया। ये मुल्क के बड़े खैरखाह बनते हैं। ये लोग बड़े खुशकिस्मत हैं, मैं तो यह कहूँगा।

कुछ लोग कह देते हैं कि जवाहरलाल का बरद हस्त इनके ऊपर है। ऐसा त्यागी तपस्वी नेता, मैं समझता हूँ, मिलना मुश्किल है। आज इनको रिप्लेस करने वाला कोई नहीं है। कम्युनिस्टों से मैं कहना चाहता हूँ कि होश में आओ, देश का कल्याण किस में है इसको सोचो, देश के साथ मखौल मत करो, गद्दारी मत करो। घर में गाली दे दीजिये। लेकिन जो देश का विरोधी है, जो देश के

साथ विश्वासघात करता है, हमारे देश से सन्देश उस पार पहुंचाता है, उस से बड़ा गद्दार दुनिया में कोई नहीं। आज हम उसे माफ नहीं कर सकते और मैं हॉम मिनिस्टर से कहूंगा कि अगर उन का वे विचरने देते हैं तो वे भी उस फ्राइम से बरी नहीं हो सकते। मैं अपने हॉम मिनिस्टर को धन्यवाद दूंगा। इस से बड़ी शानदार हॉम मिनिस्ट्री किस ने की है जिस ने एलान किया हो कि दो वर्षों के अन्दर इस मुल्क से हम करप्शन को वाइप आउट कर देंगे वना गवर्नमेंट और पोलिटिक्स को छाड़ कर चले जायेंगे। इस से ज्यादा एक्शरेंस और कीन दे सकता है जोकि हमारे हॉम मिनिस्टर ने दिया। लोहिया साहब भाग गये लेक्चर दे कर, बैठे नहीं। डा० राम मनोहर लोहिया हमारे पड़ोसी हैं। यह देखने के लिए बैठ नहीं कि शिव नारायण क्या कहेंगा। मैं कहता हूं कि हमारा हॉम मिनिस्टर दुबला पतला जरूर है, लेकिन लोह-पुरु है। उन ने एलान किया है इस हाउस में कि अगर वह दो वर्ष के अन्दर करप्शन नहीं मिटा देगा तो पालिटिक्स से हट जायेगा। अगर हम उस को एमा कानून बना कर नहीं देंगे तो करप्शन कैसे वाइप आउट होगा।

मैं कहता हूं कि ३२३ का जो अधिकार दिया गया है थानेदारों को वह उस पर अमल नहीं करते। मैं शिकायत करता हूं हॉम मिनिस्टर से कि जो आप के थानेदार हैं, जो आप की पुलिस है वह ठीक मानों में आप के कानून को इस्तेमाल नहीं कर रही है। वे आर नाट कोओपरेटिंग विब बि गवर्न-मेंट। यह मेरी शिकायत है आप इस को नोट करें। इसलिए मैं चाहता हूं कि जो कानून आप ने बनाया है उस पर सही सही अमल किया जाये।

हमारे जनसंघ के नेता ने बड़ा रंग चढ़ाया। मैं पूछना चाहता हूं कि काश्मीर में उन्होंने क्या किया। इधर तो चीन का हमला हो रहा है और उधर वह लोग हड़ताल और बगावत करा रहे हैं। यह तो हमारी

देशभक्ति का नमूना है उन लोगों का जो भारतीय संस्कृति का नारा लगाते हैं और धर्म का उपदेश देते हैं। यह हालत है। वह कहते हैं कि ब्लैक हो रही है, चोरी हो रही है। इस से ज्यादा ब्लैकमार्केटिंग आप क्या करेंगे कि जब मुल्क के ऊपर आफत है तो जनसंघ काश्मीर के अन्दर नारा लगा रहा है हमारे खिलाफ, बगावत करा रहा है और हमारे दुश्मनों को मोका दे रहा है, सी० आई० डी० का काम कर रहा है। देशद्रोह जो लांग कर रहे हैं वे अब भी विचरते हैं और इस मुल्क के अन्दर रह कर पाकिस्तान की मदद करते हैं। ओपफाह, हमारे मित्र मगानी साहब नहीं बैठे हैं। कितना बढ़िया वकालत उन्होंने ने शेख अब्दुल्ला की की। उन से बड़ा ट्रेटर कीन हो सकता है। मैं पूछना चाहता हूं कि इन कानून को आप ने उन के ऊपर लागू क्यों नहीं किया। जिस पर मुकुदमा चल रहा हो उस की वकालत इस हाउस में की जाये और हमें गालियां दी जायें।

एक माननीय सदस्य : उन की वकालत नहीं की।

श्री शिव नारायण : उन्होंने ने जिक्र किया। उस का जिक्र करना ही जुर्म है। मैं उस को जुर्म समझता हूं।

ऐन्यवी साहब हमारे यहां के बड़े पढ़े लिखे मेम्बर हैं। मैं उन का आदर करता हूं, इज्जत करता हूं। बहुत बड़े वकील हैं, रिस्पेक्टफुल वकील हैं। उन्होंने कहा कि हमारी गवर्नमेंट अविश्वसनीय है, सारे अफसर बेईमान हैं, कोई ईमानदार नहीं है। सारी ईमानदारी का ठेका उन के ऊपर है। मुझे क्षमा किया जाये, यहां बड़े बड़े विद्वान् बैठे हुए हैं। मैं एक मकूला कहना चाहता हूं जिस में सिकन्दर और हिटलर तथा मुसोलिनी सब फेल हुए हैं। दुविषा में डेढ़ अकल मानी गई है। हम समझते हैं कि एक अकल

[श्री शिव नारायण]

हमारे पास है और आधी में सारी दुनिया है। उसी में वह फेज हुए। ऐन्थनी साहब अटर फेल्योर हैं, उन की बुद्धि का दिवाला पिट गया जो इस बान को कहते हैं कि सब बेईमान हैं। हमारे अफसरान ईमानदार हैं, लीडर भी ईमानदार हैं, अपोजीशन के लोग भी ईमानदार हैं, हर जगह ईमानदार हैं, लेकिन कम हैं। इस देश के अन्दर हरिश्चन्द्र कम हैं। कामत साहब बड़े विद्वान् आदमी हैं, डित आदमी हैं, मैं उन की रिस्पेक्ट करता हूँ। हर पार्टी के अन्दर अच्छे लोग हैं लेकिन कम हैं। **ब्राल बि पार्टीज** ने इस प्रिंसिपल से एग्री किया, कम्युनिस्ट ने स्वतंत्र से कहा, स्वतंत्र ने कम्युनिस्ट से कहा और सोशलिस्ट पार्टी ने कम्युनिस्ट से कहा, पी० एस० १० ने भी कहा और आल राउंड इस प्रिंसिपल से एग्री किया। होम मिनिस्टर को डिमान्ड करना चाहिये कि अपोजीशन ने क्षमा कर दिया, विरोध नहीं किया। समर्थन करने का एक यह भी नमना है कि कितना लोग बोल कर चले गये, लेक्चर झाड़ कर चले गये। हम ने जिम्मेदारी ओढ़ी इस देश की, इस देश के शासन को संचालित करने की, इस को ठीक ढंग से चलाने की। मैं होम मिनिस्टर को उन के एण्योरेंस के लिये धन्यवाद देता हूँ और आशा करता हूँ कि सारे मुल्क से करप्शन वाइप आउट हो जायेगा और नन्दा जी का नाम तिहास में अमर हो जायेगा।

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, जो प्रिवेंटिव डिटेन्शन ऐक्ट है उसको एक्स्टेंड करने की जरूरत ही न होती अगर सरकार ने अपना फर्ज पूरा किया होता। माननीय गुलजारी लाल नन्दा ने ऐलान किया कि दो साल में वह मिटा देंगे भ्रष्टाचार को, लेकिन वे इस बात को भूल जाते हैं कि जो डांचा आज है, जो सो काल्ड सोशललिस्टिक वेटन आफ स्टेट है, उस में

करप्शन नहीं मिट सकता है। आज पी० पी० के अन्दर दस हजार मुलाजिम ऐसे हैं जिन को माननीय गुलजारी लाल नन्दा की सरकार सिर्फ ५ रुपया माहवार देती है, और वह तनखाहा ५ रुपये माहवार पुलिस के एक चौकीदार की है। जब एक आदमी को ५ रुपये माहवार तनखाहा मिलती है तो वह किस तरह से इमानदार हो सकता है। संसार में इमानदारी और सात्विकता दो वजहों से आती है। एक तो हमारी दीनयात की तालीम है, धर्म की शिक्षा है, मारल ट्रेनिंग है और दूसरे यह कि लोगों के पास खाना पीना हो। जिस शख्स को आप ५ रुपया माहवार पर खरीदते हैं वह हगिज हगिज इमानदार नहीं रह सकता। यही नहीं, दूसरी तरफ जो ब्लैक करते हैं, जो लाखों रुपये रोज कमाते हैं, जिन्होंने मोने की स्मगलिंग में बैठ कर कई कई लाख रुपये रोजाना कमाये हैं उन को कोई सजा नहीं दी गई। न उन को कोई मारे न बँत लगाये और न उन का काला मुंह करके गधे पर बिठला कर बाजार में निकाला गया। इस तरह से आप कैसे अप्रत्याचार और ब्लैक मार्केटिंग को रोक सकते हैं। अगर प्रिवेंटिव डिटेन्शन ऐक्ट लागू हुआ तो यह सरकार की कमजोरी है। एक तरफ तो वह कहती है कि सारे देश में प्रेम की गंगा बह गई है, सारा देश एक लाइन में आ गया है, सारा देश एक बोली बोलने के लिए तैयार हो गया है, और दूसरी तरफ इस तरह के ऐक्ट की जरूरत हुई। वह सरकार की कमजोरी है। तीनों गवर्नमेंटों की रिपोर्ट है, मध्य प्रदेश, उत्तर प्रदेश और राजस्थान की कि सारे ग्वालियर, मोरेना और भिंड के इलाके में १५७ डकैत पड़े हुए हैं। तीनों इलाकों के डाकूओं को ऋष करने के लिए २५ हजार पुलिस वहां मौजूद है यानी पी० ए० सी०, पुलिस और बकाय होम डिपार्टमेंट। १५७ डाकू काबू में नहीं आ रहे हैं और २५ हजार पुलिस बेकार

हो रही है। इतनी अशक्त, इतनी निर्बल, इतनी दुर्बल सरकार किसी तरह से ब्लैक मार्केटिंग और भ्रष्टाचार को, कर्प्शन को दूर नहीं कर सकती।

यह सरकार आज इस ऐक्ट के एक्स्टेंशन की इजाजत क्यों लेती है। इसलिये कि वह इस बात को जानती है कि वह पास करा लेगी, और इस बात को भी जानती है कि हमारी मर्जी के बगैर भी वह पास करा लेगी क्योंकि उन की डिक्टेटरशिप चलती है। किसी स्वतन्त्र देश में, डिमाक्रेटिक कंट्री में ऐसा नहीं होता कि इल्जाम लगाने वाला वही हो, और सजा देने वाला भी वही हो। किसी भी जम्हूरिया मूलक में ऐसा नहीं होता कि वही शरूम इल्जाम लगाये और वही शरूम सजा दे। इस तरह से देश का इत्मीमान खत्म हो जायेगा, हिन्दुस्तान के अन्दर किसी तरह का विश्वास बाकी नहीं रहेगा। अगर कोई पार्टी ऐसी है जो गद्दारी करती है तो उसे वैन कोजियेगा, अनलाफुल करार दीजियेगा, इल्लीगल कोजियेगा, लाकानुनियत के मातहत उसे लीजियेगा। अग्रेजों की यह चाल थी कि वह चाहते थे कि हिन्दुस्तानी काबल नहीं हैं। आज कांग्रेस की भी यह चाल है कि वह कहती है कि ताजोरात हिन्द है उस से काम नहीं चलता है। इस वक्त जो आप के डिफेन्स आफ इंडिया रूल्स हैं उनके मातहत इतने अख्तियार पुलिस और कलेक्टर के पास हैं फिर भी नया ऐक्ट बनाया जा रहा है। मैं जानना चाहता हूँ कि इस की जरूरत किस लिये हुई। यह मेरी समझ में नहीं आता है। यह रूल्स चोरों के लिए, डाक्यों के लिये नहीं, ब्लैक मार्केटिंग करने वालों के लिए नहीं। यह किन के लिए है। उन पी० एस० पी० के बहादुर साथियों के लिये जिन्होंने अन्याय और

अत्याचार के खिलाफ उन से लोहा लिया और गाजियावाद में, यू० पी० के बार्डर को पार कर के दिल्ली आना चाहते थे। जो किसान कल गेहूँ ५५ रु० मन खरीदता था, ६० रु० मन खरीदता था, जिस किसान के घर में गुड़ आया है। जिस वक्त किसान उस गुड़ को खरीदने गया था उस वक्त वह उस गुड़ को ५५ रु० मन में खरीद कर लाया था लेकिन जब किसान के घर में गुड़ आया तो उस गुड़ की कीमत २० रु०, २२ रु० मन कर दी। इस अत्याचार और अन्याय के खिलाफ अगर पी० एस० पी० के बहादुर साथी खड़े होते हैं तो उन्हें डी० आई० आर० के मातहत गिरफ्तार किया जाता है। यह कानून चोरों के लिए नहीं, डकैतों के लिए नहीं, ब्लैक मार्केटिंग करने वालों के लिए नहीं वल्कि पोलिटिकल पार्टिय का, मूखालिफ पार्टियों का दमन करने के लिए लाया गया है।

मैं आप के द्वारा हाउस से अनुरोध करता हूँ कि वह सरकार से कहे कि इस कानून को वापस ले लिया जाये।

Mr. Deputy-Speaker: The hon. Minister will reply tomorrow.

17 hrs.

LODI HOUSE HOSTEL*

Mr. Deputy-Speaker: We shall now take up the half-an-hour discussion.

Shri Hari Vishnu Kamath (Hoshan-gabad): It is my painful duty this afternoon to invite your attention and the attention of the House and the attention of the hon. Minister of Works, Housing and Rehabilitation to that shabby, ill-designed monstrosity of a hostel called the Lodi House Hostel which has unfortunately attracted unfavourable notice in many of the important daily newspapers of the capital. I have no hesitation in saying that whoever designed the living

[Shri Hari Vishnu Kamath]

rooms in this hostel, which are supposed to be intended for Central Government employees drawing, I believe, round about Rs. 500 or 600 P.M., whoever designed those living rooms, or at any rate, whoever approved the design of those living rooms in this rabbit-hutch as it has been rightly called, deserves to be sacked.

The matter was raised in September last, and again early in this session, but due to an unfortunate concatenation of circumstances, it was not reached for oral answers; neither of the questions was reached for oral answer, and, therefore, no supplementaries could be raised. Hence the need was felt for having a fuller discussion of this issue which concerns the residence intended for Central Government employees, this hostel which is, in my humble judgment, a disgrace to a welfare State and should never have been built as it has been in the first place; and once having been built, the argument seems to be that Government have spent about Rs. 35 lakhs on this hostel, and, therefore, somebody must be forced to occupy it; somebody must be forced to occupy it because so much has been spent on this hostel.

The dimensions of the living room are, according to the hon. Minister's statement of September last 14-1½ feet X 8-1¼ feet on the ground floor; some of the rooms on the top floor are slightly larger. It comes to about 125 square feet per room by way of floor area. I have had some talk with certain knowledgeable persons on this subject, and they were unanimously of the view that the minimum floor area for a single room should be 150 square feet. I am not an expert on this subject, but I have been told so. But, I can say from my personal experience that even the prison cells which I occupied during the British regime were bigger; I have seen five jails, and the cells which I got in those jails were bigger and better ventilated than the rooms that have been designed for Central Government em-

ployees in a welfare State in the year of Grace 1963, by a free India Government. It is monstrous on the part of Government to force the Central Government employees into these cubicles, cramped and ill-ventilated cubicles. There is no window at all. I wish you, Sir, could and see them. I have myself been there twice. There is no window to the rooms at all. There is just a small ventilator at the top, about the size of 2½ x 1½ ft. That is all the ventilation that there is to the room.

Dr. M. S. Aney: For purdah ladies?

Shri Hari Vishnu Kamath: Even purdha ladies need ventilation. There is a small narrow balcony which is expected to accomodate a cot. But the balcony is so narrow that the cot cannot be fitted lengthwise; either the pillow or your feet can be on the balcony and the rest of the body must be inside the room and the door should be kept open if you want some ventilation in summer. The parapet wall is so low that in that locality where the *gandah nullah* flows close by, there have been, I believe, quite a few minor crimes if not major ones. And no Government employee who is anxious to protect his life on his own would like to sleep in such a room or on such a balcony exposed to the depredations of criminals.

Another curious feature of this hostel is the catering. For the catering, no tenders were invited as is done normally. But it was auctioned. The rates were fixed by Government.

There is compulsory breakfast for all. The breakfast menu is as follows. The menu for non-vegetarians is: one egg to order, tea or coffee (two cups), two toasts, butter, assorted jam or marmalade. For vegetarians, the menu is vegetable cutlets or any vegetarian preparations such as *samosa*, *pattis*, stuffed vegetables etc., tea or coffee (two cups), two toasts, butter, and assorted jam or marmalade. And

the amount charged for this compulsory breakfast is Rs. 1.25.

As for the rest, the catering was auctioned in such a fashion that the caterer or the tenderer was asked to offer his terms as to how much he would be able to pay per month to Government, and the rates were fixed by Government for meals, and the rate was Rs. 7.50 for full meals a day. And tenders were invited and the tenders were asked to quote their terms about the rent that they would be able to pay to Government every month and the highest bidder was given the catering. This novel procedure has been adopted with regard to this hostel. I do not know why this procedure was adopted at all. The normal procedure is for Government to prescribe the menu for the various meals and then invite tenders for supply of those meals and the rates for those meals. But, here, they have inverted it; in fact, they have not even inverted it, but a wrong procedure, a wholly unsatisfactory and insalutary procedure has been adopted for reasons best known to the hon. Minister. I would like to know who is the caterer whose tender was accepted, and whether he has been conforming to the schedules prescribed or laid down under the contract.

I have been told by some Central Government employees, who, much against their will, have occupied the rooms there or have gone to live there that they have fallen ill because of the bad ventilation. My hon. friend the Minister may laugh, but I wish one of his employees goes and lives there; in fact, that was what I wrote to him once; I do not know whether he has tried to find out how the rooms are, whether the rooms are fit for human habitation at all.

Before I pass on to catering, I would like to mention this. The hon. Minister has had the audacity to suggest that a Member of Parliament also, if he wishes, can occupy a room; this is

a great favour which he has shown or showered upon the Member of Parliament, a would-be resident of this monstrosity of a hostel or rabbit-hutch. He says that the rent payable by a non-eligible person, that is, the commercial rents is Rs. 220 p.m. for this living room of 125 square feet. Then, the hon. Minister goes on to say that in other words, the Government servants, that is, the eligible Government servants, at a subsidy of Rs. 120 p.m.; for much bigger rooms which a Government employee has been occupying in the Constitution House, he pays only Rs. 75 p.m. and the dimensions of those rooms are of the order of 16 feet x 14 feet x 12 feet or so. But in the new hostel consisting of rooms with an area of 125 square feet each, he is asked to pay Rs. 100 p.m. plus Rs. 30 for electricity.

Shri U. M. Trivedi (Mandsaur): Is that correct?

Shri Hari Vishnu Kamath: Let him contradict it. This is pending the installation of meters—thanks for small mercies—for the rooms. That means, Rs. 130 per month. A Government employee drawing a salary of Rs. 500 is asked to pay for this cubicle Rs. 130 per month, for this ill-ventilated, hell-hole, dungeon, practically.

So far as the MP is concerned, he has had the hardihood to say that if an MP were to take a room—very nice of him to suggest that—he would get a further remission of 25 per cent. That is to say, he made it very clear that the subsidy in the case of an MP would come to Rs. 145 per month. Out of Rs. 220, the MP would get Rs. 75. I wrote to the Minister and told him that even if an MP is offered this free, I am sure he would not occupy this dungeon of a hell in that Lodi Road Hostel.

Now I want to say a few words about catering. I have been told very sorrowfully by Central Government employees who have been herded, literally forced, into this monstrosity

[Shri Hari Vishnu Kainath]

of a hostel, something about this catering. Before I proceed further, may I say that according to the Minister's reply, it was intended for Central Government employees. At the moment, there are only 40 or 50 rooms occupied—so I am told,—out of 280 rooms—by Central Government employees and the rest by an MRA troupe which has been here for the last one month or so. Even for temporary habitation, it is bad enough. For permanent habitation, it is out of the question, being surely a hell. The Minister eminently deserves the censure of the House for having approved of the construction of such a hostel for Central Government employees in this so-called socialist welfare state.

As regards catering, I have been told by those residents there who have been living there for the last month or so, that one of the terms of the contract is that 'free helping will be permissible without stipulation in any quantity'. One of my friends went to eat there once and he saw the Central Government employees eating by his side in the table. I am told the caterer does not cook in that place. He brings food cooked in another place and then serves it to the residents. On that particular evening, there was only dal and rice. Dal and bhath was served only once. There was no soup, no pudding, no coffee. Only rice and dal was served, and no second helping even.

The friend asked, 'Is this the normal thing?' The caterer said, 'I am sorry. I have not got anything more tonight'. And yet for eating such meals, an employee, the resident there, is compelled to pay—because the rates, daily tariff, is fixed by Government, not by the caterer—whether he gets a second helping or not, a full meal or not, Rs. 7.50 per day. In Constitution House, it is different; in Western Court, it is different; in other hostels it is different.

About the rent, I have no doubt that it is simply legalised loot on the part of Government. They talk of rack-renting. This is rackrenting of the worst type, and this legalised looting by Government must stop.

One word about the servants who are working in that hostel. I am told the servants' quarters are either not ready for human habitation or are unfit—more unfit than the other accommodation—for habitation. The servants living there have got to stay in a place about 2½—3 miles from that place in the servants' quarters attached to the Constitution House—many of them. They have to trudge every morning at 4 or 5 o'clock to that place, because there is no transport provided for them and there is no bus available so early in the morning, covering 2 or 3 miles. I hope Government will provide some sort of transport to the Class IV servants to carry them every day if they have got to stay elsewhere compulsorily, because no servants' quarters are available there. If they have to compulsorily stay three miles away from the place, they must be given some transport to carry them to and fro.

One last word and I have done. I think this entire matter of this Lodi House hostel, the construction, the manner in which Central Government employees have been forced to occupy it—they have no option in the matter, the hapless Government employees have been told, 'take it or leave it'—should be inquired into. The Minister has also said that the provision of residential accommodation to government servants is an amenity. He does not believe that government servants who are being posted here, in thousands, are entitled to it. He calls it an amenity; he says they are entitled only to house rent allowance. A government employee posted here is facing this problem of accommodation, and the Minister says: 'Take this dungeon, hell-hole or leave it; I cannot give anything else'. And he is asked to fend for himself.

This is not my conception of a welfare state, let alone a socialist democratic State. It is high time Government approached this question in a better spirit. The whole attitude of Government to this matter should change. I would also ask whether the expenditure incurred Rs. 35 lakhs, on this hostel, for 280 rooms of the dimensions I have described, is not too much. This morning I raised the question of the CPWD's cost of construction and said that it is inordinately high because there is corruption in the CPWD, there is extravagance in the CPWD, there is waste in the CPWD. This calls for an inquiry.

I would also ask the House to appoint a parliamentary committee to go into the CPWD construction costs, why this hell-hole has cost Rs. 35 lakhs of the taxpayers' money. Now the Government is faced with the problem of getting it occupied by reluctant people who refuse to go there.

The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna): I have listened to the speech of Shri Kamath with great attention. He made certain observations rather in an intemperate language and also paid me some compliments. I have no intention of replying back in the same strain.

Before I come to the specific question he has raised, I feel that the general policy that Government is pursuing in the matter of the construction programme in Delhi and other cities like Calcutta, Madras and Bombay, should be known to the House. I would only take a few minutes to dwell upon it. In that manner, I feel that the questions—I wish to answer the question fully—would be better appreciated. In Delhi, like any other big city, we are faced with a serious problem of finding accommodation for government servants. There is also the desire of government servants, like anyone of us, that they should be provided accommodation in central

areas as near to their offices as possible. Another thing which has to be taken into consideration in this connection is the construction cost or the financial implications of the projects we undertake.

Now if we have to build houses in central areas, it is essential that we have to go in for vertical construction. We have to make intensified use of the land and without undertaking multi-storeyed construction we can never solve the problem. I have on my hand about 50,000 government servants in Delhi who are waiting for accommodation for quite a long time. I can well imagine their plight if they have to go out and take houses on rent, because rents in Delhi are very high, and land costs are very high. So my attempt has been to undertake a big construction programme and, at the same time, see that I build houses or flats or hostels to suit different types of accommodation that have to be provided to government servants who are in different pay grades. We are undertaking the construction of different types of houses, from pay ranges, Rs. 100 right up to Rs. 3000—4000. For obvious reasons for the lower categories we are undertaking construction to a bigger extent; the availability is hardly 30 or 40 per cent as opposed to what it is in the higher categories above. The rent that is paid is regulated by F.R. 45-A; and only the cost of the superstructure is taken into consideration. The value of the land, the development charges—these are not taken into consideration. According to the formula it is either six or seven per cent of the capital cost of superstructure or ten per cent of the pay of the Government servant whichever is less and not higher. So, I have to plan accommodation for different types according to these conditions.

The first hostel the construction of which was undertaken is called the

[Shri Mehr Chand Khanna]

Lodi House Hostel. We built it within a period of 7-8 months; it is a three-storeyed building. The number of rooms is 276. It is incorrect to say that I am charging rent at such exorbitant rates for rooms of 14X8½ or 125 sq. feet. Each room has a bath room attached to it which is 7X9. " " room is furnished. Water supply is free; service is free. The rent has been coming from an eligible Govt. or semi-Govt. servant is Rs. 3-50 a day, i.e., 100 per month. habit.

Shri Hari Vishnu Kamath: Much more than the Constitution House.

Shri Mehr Chand Khanna: I am glad we have been able to build this hostel. It is a good hostel and I am proud of my architects and engineers.

Shri Hari Vishnu Kamath: Question.

Shri Mehr Chand Khanna: I never questioned or interrupted . . .

Shri Hari Vishnu Kamath: You are a Minister. . . (Interruptions.)

Shri Mehr Chand Khanna: Your information is only hearsay. I have gone there 20-30 times.

Shri Hari Vishnu Kamath: A lot of money has gone into that.

Shri Mehr Chand Khanna: We know. Allegations have been made that it is compulsory for a Government servant to go there. It is entirely wrong. If a Government servant does not want it, nobody is forcing him to go there.

Shri Hari Vishnu Kamath: Where else can he go?

Shri Mehr Chand Khanna: When I read that letter of Shri Kamath, I told him what subsidies are given; it

is to the extent of Rs. 120 per month for a Government servant who goes there. I have been accused of audacity. It is there in the rules passed by this august House that if an M.P. goes there and stays there, he gets a concession of 25 per cent. I said these things in my letter to Mr. Kamath. Mr. Kamath went and saw the Prime Minister three or four times.

Shri Hari Vishnu Kamath: I know. I can go.

Shri Mehr Chand Khanna: You have a right to go and run down the Ministers and when you speak in the public meeting, you run down the Prime Minister. It is a democratic State; no harm is done.

Shri Hari Vishnu Kamath: I know my duties; you need not teach me; you mind your business. . . (Interruptions). You have changed some of your wrong decision; I am glad that it happened so because I talked to him.

Shri Mehr Chand Khanna: I did not interrupt you when you spoke.

Shri Hari Vishnu Kamath: You have the last word; you cannot get away with misrepresentations.

Shri Mehr Chand Khanna: I am not only building these hostels in Delhi. I have to provide accommodation to Government servants. I have undertaken a very large construction programme. I am building a very big hostel near Minto road area with 216 rooms costing 29 lakhs. I am building flats on the Ring Road for Government servants in higher pay group—320 at a cost of Rs. 1.76 crores; 184 flats for M.Ps. on Rafi Marg and North Avenue at a cost of Rs. 45 lakhs, 414 flats on the site of the Constitution House costing Rs. 79 lakhs; 100 flats on the site of the old Constitution Club costing about Rs. 22 lakhs.

Shri Hari Vishnu Kamath: I am talking about decent rooms.

Shri Mehr Chand Khanna: I have to meet the requirements of different types of officers. I am not forcing anybody to do something.

This time we invited tenders for catering. We have laid down the menu; we have fixed rates. It is nothing unusual. We have done so in the case of Constitution House.

Shri Hari Vishnu Kamath: That is wholly wrong; in the Constitution House it is the lowest tenderer; here it is the highest bidder . . . (Interruptions).

Shri Mehr Chand Khanna: We have invited tenders; this has been given to the man who will pay highest to the Government. This tenderer is going to pay at the rate of Rs. 3525 per month; his tender was Rs. 42,300. Till now the caterers in the Constitution House and Western Court were having an easy time. I have fixed the menu; he read out the menu himself. It costs only Rs. 1-4-0 or Rs. 1-8-0 for breakfast. Only breakfast is compulsory. No meals are compulsory; there is no obligation that a resident should take his meals there.

This hostel was completed about a month ago and when I had a census taken a few days ago, 140 of the 276 rooms were occupied. There were 40 Government servants; the remaining, outsiders. At no time in the Constitution House which has existed for the last twenty years the presence of Government servants, I am told, was beyond fifty per cent.

Shri Hari Vishnu Kamath: It was meant for MPs.—not Government servants.

Shri Mehr Chand Khanna: Please let me carry on. It was not meant for MPs. It was built at the time of the last war for the British or American soldiers who came to this country. It was a temporary structure. If you take the cost of this temporary structure whose life span was only 5-6 years, you will see it

has outlived it by 20 years. You cannot compare the costs of these two houses. If a Government servant does not want to go there, he is entitled to his house rent like 50,000 of his brethren in Delhi who have not been provided accommodation.

I thought that my old friend Mr. Kamath would pay me high compliments for our trying to solve the problem by making intensive use of the land, going in for vertical construction. Even Ministers have been accused here that they were living in big bungalows. I am now going to build houses for Ministers on the same lines as we are doing for the Government servants so that we can prove to Mr. Kamath and men like him that we do believe honestly and sincerely in the socialist pattern of society . . . (Interruptions.)

Shri Hari Vishnu Kamath: 125 sq. feet per single room?

Shri Joachim Alva: To be fair to Mr. Kamath, he is living in a small house while his erstwhile colleagues, ICS officers live in palatial bungalows.

Shri Mehr Chand Khanna: Perhaps Shri Kamath is a little upset in leaving the Constitution House.

Shri Hari Vishnu Kamath: Ho, no. He is side-tracking the issue.

Shri Mehr Chand Khanna: I know about the demolition of the Constitution House and the questions about it in Parliament and about the Emergency but for which all this hullabaloo would not have been made.

Shri Hari Vishnu Kamath: Sir, on a point of order. I have not raised the issue of the Constitution House today. The subject under discussion is the Lodi House Hostel. I have never mentioned anything about the Constitution House. He is now side-tracking the issue with bad intent.

Shri Mehr Chand Khanna: Questions have been asked in this House and letters have been written by Shri Kamath himself that as a matter of Emergency, the Constitution House should not be demolished.

Shri Hari Vishnu Kamath: No mention about it was made by me now.

Shri Mehr Chand Khanna: The demand that it should not be demolished

Shri Hari Vishnu Kamath: Why this talk about the Constitution House? I raised the matter only with regard to the Lodi House Hostel. He is only trying to bluff.

Shri Mehr Chand Khanna: The only submission that I wish to make is that unfortunately my department has been accused of corruption.

Shri Hari Vishnu Kamath: I shall do it again!

Shri Mehr Chand Khanna: This word 'honesty' is a comparative term. I do concede that Shri Kamath is more honest than me, and the party to which he belongs has perhaps more honest ideals than we have. But all I can say is that there may be corruption in the CPWD, but the CPWD is pulling up, and is doing extremely well. I am not only proud of my department and the architects, but I am also proud of the engineers who in these difficult times, in the time of emergency, are delivering the goods.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December 19, 1963/Agrahayana 28, 1885 (Saka).

Wednesday, December 18, 1963/Agrahayana 27, 1885 (Saka)

COLUMNS		WRITTEN ANSWERS TO QUESTIONS—contd.	
ORAL ANSWERS TO QUESTIONS		U.S.Q. No.	Subject
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634	Budding Scientists	5317—20	
635	Three grade system for University teachers	5320—22	
636	U.P. Bihar border dispute	5322—23	
637	Hindi medium in U.P.S.C. examinations	5325—30	
638	Anti-Corruption Committee	5320—35	
639	Unitary University	5335—37	
640	Gas grids	5337—39	
641	Phyto-Chemical Plant in Kerala	5339—41	
642	Motels	5341—42	
643	Housing projects in Delhi	5342—45	
644	Fixation of I.C.S. Officers' salaries	5345—49	
645	Indian Statistical Service	5349—50	
646	Antibiotics Factory at Rishikesh	5351—53	
649	Eviction of Adivasis in West Bengal	5353—59	
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647	Viva Voce in Secondary School Examination	5362-63	
648	Finds at Pandu Raja's Dhibi, Burdwan	5363	
650	Personality text in All India Services Examination	5363-64	
651	Conversion of Oil Companies into Rupee Companies	5364	
652	Meeting of Council for Secondary Education	5364-65	
653	Drug Research Laboratories at Jammu and Srinagar	5365-66	
654	Institute of Rural Higher Education at Sriniketan	5366	
655	All India Pool of Engineering Teachers	5367	
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1849	Development of Hindi in Orissa	5367-68	
1850	Museum at Bhubaneswar	5368	
1851	Pending cases in Maharashtra High Court	5368	
1852	Welfare of S.C. and S.T. in Maharashtra	5369	
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1854	Post-Matric Scholarships to S.C. and S.T. students of Maharashtra	5370	
1855	Nav Naland Mahavihar, Nalanda	5370	
1856	Campus Works Projects in Schools in Sultanpur	5371	
1857	International * Union for Protection of Literary and artistic works	5372	
1858	Grants to Universities in Andhra	5372-73	
1859	System of Examination in Universities	5373	
1860	Fertilizers	5374	
1861	Traffic drive in Delhi	5374-75	
1862	L.O.C. petrol pumps	5375	
1863	Training in cricket	5375-76	
1864	Vishwa Bharati University	5376	
1865	Fertilizer Factory at Madras	5376	
1866	Copra and betelnuts prices in Nicobar Islands	5377	
1867	Cooperative Societies in Andaman and Nicobar Islands	5377-78	
1868	Teaching of Hindi to Government employees	5378-79	
1869	Rural Universities	5379-80	
1870	All India Services Examination	5380	
1871	Purchase of car by Aligarh University	5380-81	
1872	Welfare funds for S.C. and S.T.	5381-82	
1873	Recovery of hand-grenades	5382	
1874	Earthquake in Kashmir	5382-83	
1875	Remnants of feudalism	5383	
1876	Korba Fertilizers Project	5383-84	

WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
	Defence (Care) chemes in U.P.	5384
1878	Housing Schemes for Sched- uled Castes	5384-85
1879	Central Pool of Officers	5385
1880	Sindri and Nangal Fer- tilizer Factories	5385-86
1881	Fertilizer Plants	5386
1882	Extension Library Centres for Universities	5386-87
1883	Synthetic Rubber Factory	5387
1884	Primary Education in Delhi	5387-88
1885	Honorary Posts under Central Government	5388
1886	Training in sports	5389
1887	Dam at Balasor	5389-90
1888	Road in Lahaul and Spiti	5390
1889	Rani Guidilu of Tameng- long	5391
1890	Price of petrol	5391-92
1891	Gambling in Delhi	5392-93
1892	General order on evacua- tion during Chinese ag- gression	5393
1893	Houses built by Central Government servants	5393-94
1894	Location of bench of Rajas- than High Court at Jaipur	5395
1895	Government H.S. school for boys, Malviya Nagar, New Delhi	5395
1896	Government H.S. School for Boys, Moti Bagh, New Delhi	5395-96
1897	Secretariat Security Or- ganisation	5395-97
1898	Motwane Private Ltd.	5397
1899	Age of Supreme Court Judge	5398
1900	Future political set-up of Delhi	5398-99
1901	Census of Nagar Haveli	5399
1902	Warrant of precedence	5399-5400
1903	Higher Secondary Edu- cation	5400
1904	Hindustan Antibiotics, Pimpri	5400-01
1905	Dead Body in Delhi Courts	5401
1906	Central Secretariat Library	5401-02
1907	Fertilizer Project at Kothagudium	5402

WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
1908	Perquisites of Ministers	5402-03
1909	U.D.Cs.	5403
1910	Trained women teachers in Delhi	5403-04
1911	Central Institute of Edu- cation	5404
1912	Alcohol from saw-dust	5404-05
1913	Post-Matric Scholarships to Backward Class Stu- dents	5405
1914	Regional Engineering Co- llege at Warangal	5405-06
1915	Social sciences	5406
1916	Reservations for S.C.s and S.T.s	5406-08
1917	Indian Economic and Sta- tistical Services	5408-09
1918	Hindi teachers in Mysore	5409
1919	Report on Silchar Firing	5409
1920	Theft of Justice Das's brief case	5409-10
1921	Recruitment of Clerks	5410-11
1922	Scientific literature	5411-12
1923	Summer Schools in Scien- tific and Engineering subjects	5412-13
1924	University for Technical studies in Madras	5413-14

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Shri Nambiar called the atten-
tion of the Minister of Rail-
ways to the collision between
a goods train and a passenger
train on the Villupuram-
Katpadi section of the
Southern Railway on the 14th
December, 1963, resulting
in the death of one passenger
and injuries to several others.

The Deputy Minister of Rail-
ways (Shri Shah Nawaz
Khan) made a statement in
regard thereto.

DETENTION OF MEMBER

The Speaker informed the
House that he had received
intimation from the Judicial
Officer, Aligarh that Shri
B. P. Maurya, Member, Lok

COLUMNS

COLUMNS

DETENTION OF MEMB-
ER—*contd.*

Sabha, had also been detained under the Defence of India Rules for delivering objectionable speeches on the 6th August, 1963 at Aligarh and that Shri Maurya was already detained at Allahabad.

PAPERS LAID ON THE
TABLE 5423—26

(1) A statement regarding release to the press of the information about the crash of an I.A.F. Dakota near Banihal Pass on the 22nd November, 1963.

(2) A copy each of the following Reports under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Annual Report of the Indian Refineries Limited, New Delhi, for the year 1962-63, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) Annual Report of the Hindustan Organic Chemicals Limited, Bombay, for the year 1962-63, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(iii) Annual Report of the Indian Drugs and Pharmaceuticals Limited, New Delhi, for the year 1962-63 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(3) A copy each of the Reviews by the Government on the working of the above Companies.

(4) A copy of the Registration of Newspapers (Central) Fourth Amendment Rules, 1963, published in Notification No. G.S.R. 1809 dated the 23rd November, 1963, under sub-section (2) of section 20A of the Press and Registration of Books Act, 1867.

PAPERS LAID ON THE
TABLE—*contd.*

(5) A copy each of the following papers under sub-section (1) of section 27 of the Institutes of Technology Act, 1961:—

(1) Statutes of the Indian Institute of Technology, Madras.

(2) Statutes of the Indian Institute of Technology, Kharagpur

(3) Statutes of the Indian Institute of Technology, Bombay.

(4) Statutes of the Indian Institute of Technology, Kanpur.

(5) Statutes of the Indian Institute of Technology, Delhi.

(6) A note dated the 13th December, 1963 delivered by the Indian High Commission, Karachi, to Ministry of External Affairs, Government of Pakistan, Karachi.

(7) A statement correcting the reply given on the 4th December, 1963 to a Supplementary by Pandit D. N. Tiwary on Starred Question No. 367 regarding warning to certain newspapers under D. I. R.

(8) A copy of the Annual Report of the National Research Development Corporation of India, New Delhi, (English and Hindi versions) for the year ending the 31st March, 1963 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956.

(9) A copy each of the following Rules under section 41 of the Defence of India Act, 1962:—

(i) The Defence of India (Twelfth Amendment) Rules, 1963, published in Notification No. G.S.R. 1815 dated the 20th November, 1963.

(ii) The Defence of India (Thirteenth Amendment) Rules, 1963, published in Notification No. G.S.R. 1849 dated the 30th November, 1963.

COLUMNS

COLUMNS

MESSAGES FROM RAJYA SABHA

5426-27

Secretary reported the following messages from Rajya Sabha :—

- (1) That at its sitting held on the 16th December, 1963, Rajya Sabha agreed without any amendment to the Central Boards of Revenue Bill, 1963.
- (2) That Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Indian Traffic (Second Amendment) Bill, 1963.

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS PRESENTED

5427

Thirty-first Report was presented.

5427

REPORT OF JOINT COMMITTEE PRESENTED

Report of the Joint Committee on the Bill to amend the Slum Areas (Improvement and Clearance) Act, 1956 was presented.

REPORT OF PUBLIC ACCOUNTS COMMITTEE PRESENTED

5428

Seventeenth Report was presented.

BILL INTRODUCED

5428-29

The Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Bill, 1963.

BILL UNDER CONSIDERATION

5429—5534

Further discussion on the motion for consideration of the Preventive Detention (Continuance) Bill, 1963 moved on the 17th December, 1963, continued. The discussion was not concluded.

HALF-AN-HOUR DISCUSSION RE: LODI HOUSE HOSTEL

5534—48

Shri Hari Vishnu Kamath raised a half-an-hour discussion on points arising out of the answers given on the 12th September, 1963 and 21st November, 1963 to Starred Questions Nos. 649 and 98 respectively, regarding Lodi House Hostel.

The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna) replied to the discussion.

AGENDA FOR THURSDAY, DECEMBER 19, 1963/AGRAHAYANA 28, 1885 (SAKA)

Further discussion and passing of the Preventive Detention (Continuance) Bill, 1963.

Consideration and passing of the Banking Laws (Miscellaneous Provisions) Bill, 1963.