

**EMINENT PARLIAMENTARIANS  
MONOGRAPH SERIES**

**DR. SYAMA PRASAD MOOKERJEE**

**LOK SABHA SECRETARIAT  
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## **Preface**

With a view to pay homage to eminent Parliamentarians and to recall, remember and place on record the contributions made by them to our national and parliamentary life, the Indian Parliamentary Group has, for some time, been celebrating the birth centenaries of some of our eminent Parliamentarians. In this connection, a new Series known as the 'Eminent Parliamentarians Monograph Series' was started in March 1990, with a Monograph on Dr. Ram Manohar Lohia. The present Monograph — the third in the Series is an attempt to recall the services rendered and contributions made by a Parliamentarian of great distinction, Dr. Syama Prasad Mookerjee.

To celebrate the birth centenary of the veteran Parliamentarian that Dr. Syama Prasad Mookerjee was, a function is being held on 6 July 1990, when, as a part of the celebrations, the present Monograph, being brought out in Hindi as well as in English, will be released.

The Monograph consists of three parts. Part One contains a brief profile of Dr. Syama Prasad Mookerjee, giving a few glimpses of his eventful life. Part Two contains four articles — first by Professor Bal Raj Madhok, a former Member of Parliament and a close associate of Dr. Mookerjee; the second by Professor Hiren Mukherjee, a stalwart of our early Parliamentary life and a contemporary of Dr. Syama Prasad Mookerjee who inspite of basic ideological divergence, is obliged to 'salute' this "outstanding public figure and Parliamentarian"; the third by Ch. Ranbir Singh, one of the members of the Constituent Assembly and a former Member of Parliament, who as a contemporary of Dr. Mookerjee had the opportunity of observing him from close quarters; and the fourth one by Shri K.R. Malkani, a journalist of eminence, presently associated with the Deendayal Research Institute. We are highly grateful to them for their valuable contributions.

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Part Three contains excerpts from some select speeches of Dr. Mookerjee delivered in the Constituent Assembly, Provisional Parliament and First Lok Sabha, while participating in debates on a variety of issues and problems the nation faced immediately before and soon after the attainment of independence. While editing the speeches so rendered, every attempt has been made to retain, to the extent possible, the cut and thrust of his unique style.

On the occasion of his birth anniversary, we pay our respectful tributes to the memory of Dr. Syama Prasad Mookerjee and hope that this Monograph would be read with interest and found useful.

**SUBHASH C. KASHYAP**

*Secretary-General, Lok Sabha*

&

*Secretary-General,  
Indian Parliamentary Group*

**New Delhi;  
June 1990.**

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**PARTONE**

**His Life**

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## Dr. Syama Prasad Mookerjee: A Profile

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One of the founding fathers of independent sovereign India, Dr. Syama Prasad Mookerjee was a great patriot, educationist, parliamentarian, statesman, humanitarian and above all, a campaigner for national unity and integrity. Born on 6 July, 1901 in Calcutta, Syama Prasad inherited a rich tradition of erudite scholarship, fervent nationalism and fearlessness from his father, Sir Ashutosh Mookerjee, who as the Vice-Chancellor of the Calcutta University and a Judge of the Calcutta High Court occupied a unique position in the life of Bengal. His mother, Smt. Jogamaya Devi, was a devout Hindu lady, devoted entirely to her husband, family and *Dharma*. Being an upper-class Brahmin family with a high social status, the Mookerjee house in Bhowanipur, Calcutta, was known as much for its "Poojas" as for its being an abode of *Saraswati*.

Young Syama Prasad grew in an atmosphere where he could watch *poojas*, religious ceremonies and rituals and also listen to discussions on the most modern and scientific subjects between his father and great scholars coming from all parts of India and abroad. This, in fact, created in him, deep respect for India's age-old culture and close attachment to western thought and learning. A happy blending of Hindu spirituality, tolerance and humanity with scientific outlook and broad understanding, characterised the life of Syama Prasad throughout, both as an academician and as a parliamentarian.

### His Education

Dr. Syama Prasad Mookerjee, had his schooling at the Mitter Institute, Bhowanipur which was specially instituted by Shri Bisheshwar Mitter on the inspiration of his father Sir Ashutosh. The hard training at home and school, coupled with filial care of Sir Ashutosh, enabled the inborn qualities and brilliance of Syama Prasad to shine forth. While still at school, he would read books prescribed for F.A. and B.A. His father often used to

take him to the Calcutta University which gave him an opportunity to exchange views with the University Professors.

At the age of sixteen, he passed his matriculation examination from Mitter Institute with a scholarship and joined the Presidency College, Calcutta. He stood first in the University in Inter Arts examination in 1919 and passed B.A. examination with Honours in English in 1921, securing first class first. But the nationalist in Syama Prasad never allowed him to take up English for M.A. He, therefore, took Indian vernacular - Bengali and one another Indian language - instead of English for his M.A. which he passed with a first class in 1923. The taking up of an Indian vernacular for his M.A. was in keeping with his father's policy of according Bengali and other Indian languages their rightful place in the University education which, till then, was dominated by English alone. In April, 1922, when he was doing his M.A., he was married to Sudha Devi, who became mother of his four children before she died in 1934. Syama Prasad, at that time a youngman of only 33, however, decided not to remarry.

The brilliant record that he had at the University established his reputation as a student and he was appointed General Secretary of the Presidency College Magazine which was a great honour for young Syama Prasad. The editorship of the College magazine provided him the first opportunity for self-expression and, for some time, drew him to the field of journalism. He started "Bang Wani", a Bengali journal, in 1922 and also wrote in 1923-24, a regular feature for 'Capital', edited by Pat Lovell under the pen name "Ditch". This lure for journalism was a passing phase though he took to it again in forties when he started his own daily from Calcutta called "The Nationalist".

In 1924, he passed his B.L., once again standing first in the University. He also had to his credit the degrees of D.Litt. and LL.D. In 1927, he was called to the English Bar from the Lincoln's Inn (England), which he had joined in 1926. He did not, however, practise law. While in England, he ably represented Calcutta university at the Conference of the Univer-

sities of the British Empire and from then on, began to be counted as one of the leading educationists of India.

### **Youngest Vice-Chancellor**

The death of his father in 1923, whom he had been assisting in running the Calcutta University from his student days, brought him into the educational field even while he was still a student. He was known to have the closest insight into the educational plans and policies of his Vice-Chancellor father. He was elected to the University Senate and Syndicate in 1924 and represented the Calcutta University as a Congress candidate in the Bengal Legislative Council. In 1930 when the Congress decided to boycott the legislatures, he resigned his seat in the Legislative Council, but soon re-entered the Council as an independent candidate, with a view to safeguard the interests of his university. His main occupation, however, continued to be service to the cause of education.

In 1934, Syama Prasad became the youngest Vice-Chancellor of Calcutta University, which gave him the opportunity to put his aims and ideals regarding education of his people in practice. It was under his Vice-Chancellorship that Rabindra Nath Tagore delivered his convocation address in Bengali which marked the beginning of the end of the era of English superiority over Bengali and other Indian languages.

### **As a Nationalist**

The introduction in 1937 of the Provincial part of the Government of India Act of 1935 and the elections to the Provincial Legislatures gave a new twist to the situation in the country. He was again returned from the University constituency to the Bengal Legislature which afforded him an opportunity to study the working of provincial autonomy from very close quarters. In a house of 250 members, Hindus had been given only eighty seats for which mostly Congressmen were returned. The rest were divided between the Muslims and the British interests. The Muslim members were divided between the Muslim League and the Krishak Praja Party. Had the Congress party formed a coalition with Krishak Praja party, Bengal could

have got a non-Muslim League stable Government. The Congress handling of the situation in and outside the legislature soon provoked him to think afresh about its policies and political conceptions.

On formation of its Ministry, the Muslim League decided to strike at the educational structure, which his father and he himself had so assiduously built. The Indian National Congress policy of compromise with the Muslim League even at the cost of clear and vital national interest was repugnant to his innate nationalism which roused the man of action in him. Having failed to persuade the Congress leadership to change its policy of allowing the Muslim League a safe spell of power, he decided to go ahead all alone to topple the Muslim League Ministry. He mustered together all the non-Congress Hindu forces in the Legislature and formed the Progressive Coalition with Krishak Praja party under the leadership of Fazal-ul-haq, with himself as the Finance Minister in the coalition ministry, this established his position as a practical and far-sighted political leader.

During the same period, under the influence of Veer Savarkar, he joined Hindu Mahasabha and made it an instrument for check-mating the anti-national forces. Soon after, in 1939 he became its acting President and declared complete independence of India as the political goal of Hindu Mahasabha. His joining the Hindu Mahasabha was welcomed by Mahatma Gandhi who accepted that "somebody was needed to lead the Hindus after Malviyajiji". Gandhiji was greatly impressed by the broad and thoroughly nationalistic outlook of Syama Prasad and is understood have told him that "Patel is a Congressman with a Hindu mind, you be a Hindu Sabhaite with a Congress mind."

In 1943, Syama Prasad resigned from the Bengal Cabinet protesting against the interference of the Governor and the bureaucracy in the ministerial discharge of the affairs of the police and the general administration and characterising the much advertised provincial autonomy as a mere farce. The way he kicked the ministership made it clear to all that here was a man whom no temptation could deflect from the path of duty.

His correspondence with Lord Linlithgow, in which he urged upon him to release the detained leaders, trust the people and permit the raising of a National Defence Force to meet the Japanese threat, was ample evidence of his persuasive firmness in the national cause.

### **As Humanitarian**

The Bengal famine of 1943 brought the humanitarian in Syama Prasad to the forefront which the people of Bengal can never forget even though some of them may not have liked his politics. In order to draw the attention of the country to the distress in Bengal and organise large-scale relief for the famine-stricken people, he invited leading politicians, businessmen and philanthropists to devise ways and means to provide relief to the needy and the distressed. In response, Bengal Relief Committee was formed and the Hindu Mahasabha Relief Committee was also organised. Syama Prasad was the moving spirit behind both the organisations. His appeals for fund evoked positive response from all over the country and large sums of money started pouring in. It was mainly because of him that the whole country rose like one man in providing relief, thereby saving lakhs of lives from the clutches of sure death.

His sympathy had never been merely verbal, he made suggestions which were practical and which revealed his truly human heart that cried out for relieving human sufferings. After independence, he once suggested in parliament : "We get, now Rs.40 per day. I do not know what the allowance of the members of the House of People will be hereafter. Let us agree to a voluntary cut of Rs.10 per day and let us set apart this sum for the purpose of opening homes where these women and children (of famine affected areas) may be housed and fed."

### **As a Fighter for United India**

The arrest of most of the leaders of the Congress after the rejection of Cripps Proposals, which conceded, for the first time, the principle of partition of India on the basis of religion, had left the field open for the Muslim League to win over the wavering Muslims and establish its position as the mouthpiece of the

Indian Muslims. The Muslim League, firm on its demand for partition, had decided to fight elections to the provincial legislatures on this very issue. The elections gave clear majority to the Muslim League in Sindh, Punjab and Bengal which did encourage the Muslim League to stress its demand for partition.

The plan put forth by Shri Rajagopalachari known as 'C.R. Formula' practically accepted the partition of the motherland. This, Syama Prasad considered, a very dangerous and disquieting development. He organised a countrywide campaign against the partition of the motherland. He was shocked to find when the British Cabinet Mission, before which he was arguing against partition, confronted him with the Poona Resolution of the Congress Working Committee which said that the Congress would not coerce any unwilling party to remain in India. He had supported the Congress in 1946 elections because he was assured by Sardar Patel that the Congress would never accept partition. He never knew till then that the Congress Working Committee had already conceded the right of the muslim Provinces to opt out of India.

Thereafter, Syama Prasad put all his energies to safeguard the interest of India. His well reasoned and forceful advocacy of the scheme for partition of Bengal soon became the universal demand of Bengali, Hindus. In spite of the opposition from some quarters the move for partition of Bengal, in the event of the demand for Pakistan being conceded, became so popular and powerful that it became impossible for the British Government, the Congress and the Muslim League to resist it. Thus, it was due to his efforts that half of Punjab and half of Bengal was saved for India. That explains his famous retort; "Congress partitioned India and I partitioned Pakistan".

### **As a Minister**

In August 1947, Syama Prasad was invited by Gandhiji to join the first National Government. He accepted the invitation in the hope that he would be able to influence the policies of free India in its formative period and safeguard the interests of crores of Hindus who had been left back in Pakistan much against their will.

The fact that he was given charge of the Ministry of Industry and Supply showed the faith reposed in his integrity and understanding of vital industrial and economic problems of the country.

As Minister for Industries and Supplies in the Union Cabinet, he laid the firm foundation of the industrial development of the country by setting up the three most successful gigantic industrial undertakings *viz.* the Chitranjan Locomotive Factory, the Sindhri Fertilizer Corporation and the Hindustan Aircrafts Factory, Bangalore. He judged every scheme and policy by the criterion of its practicability and usefulness to the people and was not wedded to any dogma or concept.

On broad matters of policy, particularly regarding Pakistan, his differences with Pandit Nehru came to the surface quite early. His heart bled so much for the refugees that he visibly became very weak during the massacre indulged in by the Pakistanis against the peace loving Hindus of East Bengal. When he found that Pandit Nehru was unwilling to accept his advice to back Sardar Patel's demand on Pakistan for transfer of land from East Pakistan to India in proportion to that occupied by Hindus forcibly ejected from Pakistan, and to provide adequate rehabilitation facilities for those unfortunate refugees and for satisfactory compensation for their properties lost to Pakistan, his disenchantment with Nehru's policies also grew. He did not hesitate to press his differences with Nehru to the point of controversy. The Nehru-Liaquat Pact of 1950 brought those differences to a climax. Having failed to prevent that pact being signed, he decided to leave the Cabinet and organise opposition to Nehru's policies from outside the Government. This had its impact and the original draft of the Nehru-Liaquat Agreement, which committed Government of India to reservation of seats for Muslims in legislatures and services, was modified to eliminate these provisions.

The statement he made in Parliament about his resignation on 19 April, 1950 is a dignified but pathetic document of Indo-Pak relations. The reasons he enumerated as to why the Nehru-



Liaquat Pact would not solve any problem, are as valid today as they were in 1950.

### **Founder of Jan Sangh**

After quitting the Cabinet, Syama Prasad concentrated his energies on creating a political platform through which the ideology and policies he stood for, could be projected. He had already left the Hindu Mahasabha which refused to accept his suggestion to open its door to all Indians, irrespective of caste and creed.

Syama Prasad decided to give shape to a new national leadership in opposition. As a *result of his efforts*, the All India Bharatiya Jana Sangh was formally launched in October 1950. He was elected to lead the new organisation as its first All-India President. He visualised Jana Sangh as the spearhead of the nationalist forces in the country and wanted it to be so broad-based as to be able to comprehend and consolidate all of them into an effective political organisation. It was to be open to all citizens who owed unflinching allegiance to India and her great culture and heritage.

Explaining the need for the new party he had said: "one of the chief reasons for the manifestation of dictatorship in Congress rule is the absence of well-organised opposition parties which alone can act as a healthy check on the majority party and can hold out before the country the prospect of an alternative government." Syama Prasad spent the rest of his life in building up this organisation as an alternative to the party then in power.

### **As a Parliamentarian**

Syama Prasad was returned to the first Lok Sabha in the first general elections held in 1952. However, the Jana Sangh, the party that he launched, could return only two more members. But he was not the man to despair. The one man in the Opposition, who stood head and shoulders above all others, was Dr. Syama Prasad Mookerji. His pre-eminence was recognised by all and it was accepted by his friends and opponents alike that he was to be the chief spokesman of the opposition in

the first elected Parliament of India. He brought together a number of small parties including the Ganatantra Parishad of Orissa, the Akali Dal of Punjab, the Hindu Mahasabha and a number of independents to form the National Democratic Party in Parliament, of which he was the elected leader. They all considered him to be their chief spokesman and conceded to him, by implication, the right to reply, on behalf of the opposition, on all major questions. Even the party in power looked upon him as the unofficial Leader of the Opposition.

His stature and acumen as a statesman, his parliamentary skill and eloquence, his deep understanding and constructive approach to the problems facing the country and his following outside the Parliament, made him appear the only real opponent of the Government. The Treasury Benches respected him for his deep understanding and appreciation of the issues and problems that came up before Parliament. His searching and penetrating probe into their policies and affairs and the ease and cogency with which he countered their arguments was only seen to be believed.

The most remarkable tribute came from the *Times of India* which commented that the "mantle of Sardar Patel had fallen on Dr. Syama Prasad Mookerji". It was a most befitting tribute because Dr. Mookerji had been exercising the same sort of sobering and restraining influence on the Nehru Government from outside which Sardar Patel as long as he lived had been doing from within.

His constructive and nationalistic attitude together with his enlightened but determined resistance to all anti-national and totalitarian policies and trends, made him the bulwark of freedom and democracy in the country. His role in Parliament as Leader of the Opposition earned him the title "The Lion of Parliament."

### **A martyr to the cause of Indian Unity**

The final act in the parliamentary life of this great statesman and parliamentarian took place in 1953. By this time, his mind was fully engrossed with the problem of Jammu and Kashmir

with a view to curb the then prevalent secessionist activities. He decided to take up the cause of Jammu and Kashmir Praja Parishad which had been demanding that the State be fully integrated with the rest of India and should have the same Constitution. During his visit to Jammu in August 1952, he once told a mammoth meeting: "I will get you the Indian constitution or lay down my life for it." His words proved prophetic. He decided to visit Jammu again in May 1953 to study, on the spot, the situation prevailing there. He was not in good health. His love of Hindus was so great and his passion for keeping the State of Jammu & Kashmir within the Indian Union was so irresistible that he rushed to Jammu where he was arrested. He fell seriously ill in prison and died a martyr's death to the cause of Indian Unity.

### **Tributes on his passing away**

The Parliament, the State Legislatures, the press and the leaders of public opinion irrespective of party affiliations, as also the leaders and rulers of the Buddhist countries of South-East Asia mourned his death as a great loss and paid glowing tributes and homage to his dedicated life devoted entirely to the service of his motherland.

In Lok Sabha, mourning the unexpected demise of Dr. Syama Prasad Mookerjee, the then Speaker, Shri G.V. Mavalankar observed:

"...He was one of our great patriots and his services to the national cause have been equally great. The situation in which he passed away is tragic. It was God's will and who could help otherwise?

....His ability, sincerity, the masterly manner of handling his subject, his eloquence and above all, his patriotism and love for his countrymen, entitled him to our respect."

Making references to his passing away, then Prime Minister Jawaharlal Nehru and leader of the House referred to the

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\* L.S. Deb., 3 August 1953.

circumstances of his death as "peculiarly unfortunate". He described Dr. Syama Prasad Mookerjee as "one of the leading figures of this House and a Leader of the Opposition who played a very important part in the work of this House".

Acknowledging his agreements as well as differences with Dr. Mookerjee, on a number of issues, Pandit Nehru said:

"...Whether we worked together or differed, we had a certain regard for each other and tried to carry out our work with that respect which is due to people even when they differ.

It had been my privilege to work with Dr. Syama Prasad Mookerjee in Government for a number of years and then, later when he, left the Government, in opposition.... We differed sometimes very deeply on many issues and we agreed too on many issues and it is a matter of peculiar regret and grief to me that in the last days of his life an occasion arose on which there was very considerable difference between him and me. However ..... we are deprived of the personality who had played such a notable and great part in the country and who was after all fairly young and who had a large and good stretch of years before him. But that was not to be."

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\*Ibid

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**PART TWO**  
**ARTICLES**

## **Dr. Mookerjee and Kashmir** **—Prof. Bal Raj Madhok\***

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Dr. Syama Prasad Mookerjee (July 6, 1901-June 23, 1953) was one of the greatest scholars, statesmen and parliamentarians of India. He played a very important role in our national life at a crucial period of our history and left an indelible mark on Indian politics and polity.

Dr. Mookerjee began his public career as Vice-Chancellor of Calcutta University in 1934. He was the youngest Vice-Chancellor of that university which then covered the whole of Assam, Bengal and Orissa. He was the architect of coalition of Nationalist Party and Krishak Praja Party of Fazl-ul-haq, which ousted Muslim League from power in 1940 and gave the united Bengal a spell of nationalist government. He resigned in 1942, from the Fazl-ul-haq ministry, in which he was Finance Minister, to take up cudgels against Lora Linlithgo, the then Governor General of India who had let loose a reign of terror in the wake of Quit India movement. Since all the top Congress leaders had been put in prisons, it fell on Dr. Mookerjee to act as the spokesmen of the nationalist India in those difficult days. His services to the suffering humanity of Bengal in the man-made famine of 1943 brought him on the national stage and endeared him to the whole country.

Dr. Mookerjee then took over the leadership of Hindu Mahasabha and put forward the case for united India before the Cabinet Mission with convincing facts and logic. But the ground slipped under his feet when he was told by Lord Pethic Lawrence that the Congress had already accepted the partition of the country, in principle, through its Poona Resolution, which

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\*Prof. Bal Raj Madhok, a former Member of Parliament, is a close associate of Dr. Syama Prasad Mookerjee.

concluded with the ominous declaration that the Congress will not "coerce any unwilling part to remain in India".

According to the original scheme of partition, the whole of Punjab and Bengal were to be given to Pakistan. Dr. Mookerjee then bent his energies to save the Hindu majority parts of Punjab and Bengal. He could legitimately claim that while "Jinnah partitioned India, I partitioned Pakistan".

He was elected to the Constituent Assembly of India in 1946 and was inducted to the first National Government formed on 15 August, 1947, as Minister of Industry and Commerce. His role as a Minister in the formative years of free India is well-known. It was he who laid the foundation of the Industrial Policy of India.

The most glorious phase in the life of Dr. Mookerjee began on 8 April, 1950, when he resigned from the Cabinet on the issue of policy towards Pakistan. He was the first Cabinet Minister of free India to kick the chair on a matter of policy. He, thus, acted in the best traditions of Parliamentary democracy and set an example for others to emulate.

After resigning from the Government, he set about forming a nationalist and rightist alternative to the ruling Congress party, which was being converted into a leftist party by Pandit Nehru after the demise of Sardar Patel. Bhartiya Jan Sangh, his greatest gift to the country, came into existence on 21 October, 1951, under his leadership, as the result of his own efforts.

Dr. Mookerjee was elected to the First Lok Sabha as a Jan Sangh candidate from South Calcutta. Within a month of his election, he united the Jan Sangh, Hindu Mahasabha, Ram Rajya Parishad, Gana Tantra Parishad and some independent members of the Lok Sabha, on the basis of a common programme, to form a National Democratic Party (NDP). This was the first attempt at polarisation of political forces in the country on ideological basis. As a result of coming into existence of the NDP, which at that time was the largest party in the opposition, Dr. Mookerjee made his mark as an effective leader of Opposition and a potential alternative to Pandit Nehru.



Being an intellectual giant that he was, with vast administrative experience and grasp of parliamentary nuances, he began to be feared by the then treasury benches.

He had a specific point of view on all national and international issues. But the issues on which he concentrated most were those pertaining to integration of the State of Jammu and Kashmir with the rest of India, the rate of Hindus left behind in Pakistan and the plight of Hindu refugees from across the border.

Dr. Mookerjee took up Kashmir issue first and after tackling it, had planned to take up the issue of Hindus of East Bengal. The providence, however, willed otherwise.

He devoted the last fifteen months of his life mainly to the task of integration with India of the state of Jammu and Kashmir. Sheikh Abdullah's separatist policies and the resentment they created among the people of Jammu and Ladakh in particular and all nationalists in general, impelled him to give priority to Kashmir. His approach to Kashmir issue and efforts that he made for a national and rational solution, need to be recalled because the situation in Kashmir today has become even more explosive than it was in 1952.

It was the Kashmir issue which first brought me in touch with Dr. Mookerjee in 1948 after my excommunication from Jammu and Kashmir State by the Abdullah government for my role as the General Secretary of the Jammu & Kashmir Praja Parishad which was committed to the full integration of the State with India, with autonomy for Jammu and Ladakh.

I got sympathetic response from Sardar Patel who told me: "Balraj, you are trying to convince a convinced man. But I can do nothing because Pandit Nehru has kept Kashmir under his direct charge". Dr. Mookerjee was the only Cabinet Minister who evinced keen interest in the developing situation in Kashmir and the popular feeling in Jammu. After his resignation from the Cabinet, he visited Jammu and Srinagar for an on-the-spot study of the situation. He met Sheikh Abdullah, Pandit Prem Nath Dogra and the common people. His experience convinced

him about the dangerous implications of Abdullah's policies for the unity of the country and democratic rights of the people of Jammu and Ladakh. He, therefore, decided to take up the matter in a big way, both inside and outside the Parliament.

Dr. Mookerjee made a powerful plea for rethinking about Kashmir in his speech delivered in the Lok Sabha on 26 June, 1952. He began his historic speech with an appeal to Prime Minister Nehru "to have some patience with those who differ from his policy in relation to Kashmir. It is no use our throwing stones at each other. It is no use our calling each other communalist and reactionary. He should realise that on certain points there are fundamental differences between his approach and what we consider to be the national approach regarding this problem".

Dr. Mookerjee dwelt at length on article 370 of the Constitution in his speeches. He traced the history of integration of the States, how they all had acceded to the three subjects—defence, foreign affairs and communications—in the first instance, and how Sardar Patel had persuaded the princes to accept the federal structure in which all the units would be on par, in all matters and subjects. He then quoted at length from the speech of N. Gopaldaswami Ayyanagar before the Constituent Assembly when he moved the motion for the insertion of article 370 in the Constitution and asked: "How is Kashmir going to be integrated with India? Is Kashmir going to be a republic within a republic? Are we thinking of another sovereign Parliament within the four corners of India, barring this sovereign Parliament?" He warned: "If you just want to play with the winds and say we are helpless and let Sheikh Abdullah do what he likes, then Kashmir would be lost. I say this with great deliberation that Kashmir would be lost".

Dr. Mookerjee then referred to the white paper of the Government in regard to the Indian States and quoted, as to what Sardar Patel had said about the basis, the background and the necessity of fully integrating all the acceding States, with no special rights, and asked: "Are not the people of Jammu and Kashmir entitled to the fundamental rights that we

have given to the people of India minus Jammu and Kashmir? Who made Sheikh Abdullah the King of Kings in Kashmir? It is because Indian troops went there. Did we do it for creating a sovereign republic within a sovereign republic? There is no scope for varied constitutional patterns and disparities between one federating unit and another", he added.

He concluded his historic speech with a constructive suggestion which is as relevant today as it was in 1952. The suggestion was: "Prime Minister must fully assert that we do not want this kind of Kashmiri nationalism. We do not want this sovereign Kashmir idea. If you start doing it in Kashmir, other's also will demand it" As a *via media*, he suggested: "If Sheikh Abdullah insists upon a limited accession by Kashmir, then at any rate, let us devise a scheme by which the people of Jammu and Ladakh may have the full liberty whether they will or will not integrate fully".

The Jammu and Kashmir Praja Parishad launched a peaceful *satyagraha* in support of its demand for full integration of the State with India and grant of autonomy for its three regions—Kashmir Valley, Jammu and Ladakh. Its leadership looked towards Dr. Mookerjee for guidance and support.

Before taking any decision, he tried to persuade Prime Minister Nehru and Sheikh Abdullah to consider the demands of Praja Parishad, sympathetically. Dr. Mookerjee exchanged a number of letters with both of them between 9 January and 23 February, 1953. This correspondence, which was later published in a book form, is the most authentic record of Dr. Mookerjee's sustained efforts to find a realistic, nationalistic and lasting solution to the Kashmir problem.

The crux of the stand taken by Dr. Mookerjee is to be found in his letter to Pandit Nehru written on 3 February, 1953. He wrote that 'the issue of accession of State of Jammu & Kashmir to India should not be allowed to hang fire. A final decision about this State *vis-a-vis* the rest of India. and of Jammu and Ladakh regions *vis-a-vis* Kashmir valley, must be taken at the earliest'.

Instead of giving a straight reply, Pandit Nehru condemned the Praja Parishad and its approach as communal and destructive. He pointed out the international complications that it might create. This impelled Dr. Mookerjee to write another letter on 8 February, in which he touched upon the demand of Praja Parishad that the entire State should be governed by the same Constitution that applies to the rest of India and asked:

“Is there anything communal or reactionary or anti-national about it? If India’s Constitution is good enough for the rest of India, why should it not be acceptable to the State of Jammu and Kashmir.... It is amazing how the move for separatism pursued by Sheikh Abdullah and his colleagues is being applauded by you as national and patriotic and the genuine desire on the part of Praja Parishad to secure the fundamental unity and integrity of India and to be governed as common Indian citizens is being dubbed as treacherous”.

Refuting the charge of communalism levelled against him, Dr. Mookerjee appealed to Pandit Nehru:

“Think in your cool moments how in your life history, your failure to stand against Muslim communalism in India has resulted in disastrous consequences. Perhaps you and others followed a policy of concession and appeasement with the highest motive but in ultimate and, the country came to be partitioned against your own repeated declarations to the contrary. At that time, a factor of very great importance which worked against us was the existence of an alien power which wanted to function on the policy of divide and rule. If today we want to be cautious and avoid the tragic follies of the past, we do so in the highest interests of the country and not for any narrow communal ends or for any sectarian interests”.

With regard to Pandit Nehru’s repeated references to possible international complications as a result of the movement for the full integration of the State, Dr. Mookerjee wrote to him in the same letter:

“No one today could claim that your handling of the Kashmir problem has enhanced our international prestige or has won for us wide international support and sympathy. On the other hand, your policy in this behalf has added to complications both at home and abroad. Statesmanship requires that you should re-

examine the whole matter dispassionately and instead of being haunted by false internationalism, firmly create conditions for national solidarity based on a fair adjustment of different view points and interests. If you succeed in this, it will give you greater strength and prestige even in international dealings”.

He concluded this letter with the following moving words:

“While we disagree on some vital matters, we are children of the same mother and with little good-will and tolerance on both sides, we should have been able to avoid a serious cleavage”.

When all his efforts to persuade Pandit Nehru to adopt a realistic policy failed, Dr. Mookerjee decided to visit Jammu to demonstrate his solidarity with the patriotic people who were undergoing great sufferings for the cause of national unity. He left Delhi for Jammu in mid-May, soon after the Budget Session of Parliament was over. He was arrested by the Kashmir police as he crossed half-way the Madhopur bridge on the Ravi. He was arrested on the soil of Jammu, with a view to keep him out of the jurisdiction of the Supreme Court of India. He was then taken to Srinagar and kept in detention in a small cottage, ten miles away from there. Barrister U.M. Trivedi, his colleague in the Lok Sabha, moved a *habeas corpus* petition in the Kashmir High Court at Srinagar. Justice Kilm heard the case on 23 June. Judgement was to be delivered the next day. Trivedi was confident that the petition would be accepted and Dr. Mookerjee would be set at liberty. By that time, Dr. Mookerjee had been shifted to the State Hospital in Srinagar. Trivedi went straight to the hospital from the court and was with Dr. Mookerjee till 7 p.m. He found him in good health and high spirits. After Trivedi returned to this hotel, some injection was given to Dr. Mookerjee by one Dr. Ali Jan. It had disastrous effect. Dr. Mookerjee expired around 11 p.m. Demand for a judicial enquiry into his mysterious death was forcefully raised in Parliament by leaders of all political parties, including the Congress. But Pandit Nehru refused to accept the demand. As a result, the truth about his death never came out officially. I, however, made detailed enquiries at Srinagar about the circumstances of his death. It led me to the conclusion that it

was a 'medical murder' and not a natural death. I have dealt with this whole affair in detail in my biography on Dr. Mookerjee "Portrait of a Martyr".

The highest tribute that a nation can pay to Dr. Mookerjee at this juncture when separatist and secessionist forces are on the rampage in Kashmir and a real threat to the national unity has emerged, is to pay heed to what Dr. Mookerjee had suggested for integration of Kashmir with the rest of India and for tackling related issues.

Dr. Mookerjee was the first martyr in the cause of national unity after freedom of truncated India. He died, so that Kashmir could be fully integrated with the rest of India. Let his martyrdom not go in vain.

## Remembering Syama Prasad Mookerjee —Hiren Mukerjee\*

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“Let us praise our famous men” is a scriptural injunction, and it is in any case a pleasure and a sort of pious obligation to remember and salute an outstanding public figure and parliamentarian, Syama Prasad Mookerjee, whose premature death in 1953 left a void that could not be filled.

Son of the great Asutosh Mookerjee who built, in 1917, the post graduate departments in Calcutta University and did, more than any one person to put India, as it were, on the research map of the modern world, Syama Prasad had some built-in advantages, but he justified by his talent, his induction in the University's Syndicate as its youngest ever member. When, later in his early thirties, he became India's youngest Vice-Chancellor, he proved again that the honour had been his by dint of merit. With his wide interests he was drawn into public life and in spite of the inhibitive atmosphere of pre-independence India he made his mark in the limited, but often brilliantly functioning legislatures of the time. In the early forties, it was felt to be in the fitness of things that Syama Prasad Mookerjee was a Minister in the government of the then undivided province of Bengal. He had his own independent bent of mind and it was quite in his character when in late 1942, protesting against official failure in relief operations in the stricken district of Midnapore, he resigned his office.

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\* Professor Hiren Mukerjee is a former Member of Parliament and a contemporary of Dr. Syama Prasad Mookerjee.

He had never joined the Congress, the leading party in pre-independence days, and his political views was something of a middle-of-the-road liberal, but he was drawn towards such bodies as the Hindu Mahasabha, of which he came to be the leader. He could not, however, be glibly branded as a mere communalist, though in the heat of politics he often was. One could always discern the catholicity and also within limitations, the rationality of his outlook. There was something fine, for example, about the pride he felt in Calcutta University which he for some years headed rejoicing in its department, served by notable scholars of Islamic History and culture. He cherished freedom of opinion and was as far away from socialism as one could be, but there was in him an innate liberalism which—as I remember, for example, prevent his association in late 1941 with a movement set up by some of us for friendship with the Soviet Union. He made no bones about his Hindu Mahasabha links but he was a champion of civil liberties and kept himself above the narrownesses of communal chauvinism. This was testified by many who, on the communal issue, held opinions diametrically opposed to his. Syama Prasad could even make jokes against himself about this. I remember in 1952, when he and I were members together of our first Lok Sabha, he told me once: “Do you know, Hiren, they have allotted accommodation to me in ‘Tughlak Crescent’—not, mind you, in ‘Tughlak Road’ but ‘Tughlak Crescent’ and I don’t bat an eye-lid, yet some people call me a communal Hindu!”

On account perhaps of ideological as well as temperamental differences, there was between him and Jawaharlal Nehru a sort of mutual allergy. But there is no doubt about their also having a sort of mutual admiration. It is significant that Jawaharlal could, when forming the first Cabinet of independent India, asked Syama Prasad to join and the latter also could and did accept the offer. It is a pity that differences cropped up between them over the agonizing problem of refugees from the then East Pakistan and other connected issues and Syama Prasad resigned his office and opted out of the mainstream of India’s then political leadership. By the time of the first General



Elections in 1952, Syama Prasad set up his own party Jan Sangh (fore-runner of today's Bharatiya Janata Party) which outmoded the more blatant Hindu Mahasabha. His parliamentary acumen was seen when, as 'leader' of a virtually one-man party, he could get together a sizeable Opposition group of his own, the National Democratic Alliance.

With us, Communists, then the principal element in the Opposition, Syama Prasad maintained, in spite of basic ideological divergence, a friendly and efficient combination against the government. Over such issues as Preventive Detention for political reasons, we joined hands and with his cogent debating powers and his experience of parliamentary work, he was a remarkable figure and an asset to our public life. He was capable of giving rapier-sharp retorts. One example was when, pillorying the Government for its detention, without trial, of political opponents, he heard a voice from the government side: "Face the truth", and his instant reply was: "How can I, for I face the treasury benches!"

It is a pity that the life of this extraordinarily capable political figure of our time was cut short early and in unhappy circumstances when he was struggling in his own way, for the full integration of Kashmir into the India polity. If he had lived longer, perhaps this truly eminent Indian would have made a larger and more positive contribution to our history. His personality and his pre-eminent talents, however, should never be forgotten. Homage to his memory will come no less from those, like the present writer who have had profound differences with him during his life time.

## **Dr. Syama Prasad Mookerjee: Some Reminiscences**

—Ch. Ranbir Singh\*

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In the galaxy of freedom fighters, the name of Dr. Syama Prasad Mookerjee shines almost as a star. He became a legend in his life time for his range of contribution in preserving the unity and integrity of India. It is, indeed, a pleasant journey in the memory lane to recount some of my acquaintances with this remarkable man.

Let me start with the year 1935. It was this year when the Government of India Act, 1935 became operative. Under this Act, India was to be a federation of British provinces, princely states and a few directly administrated areas like Delhi. There was to be a bicameral federal legislature in which the states were given disproportionate weightage. Of the eleven British provinces, four provinces, namely, the North-Western Frontier provinces, Sind, Punjab and Bengal were having Muslim majority. Under this Act, elections were held in 1937 for the provincial Assemblies. The parties which took part in the election were: the Indian National Congress, the Muslim League, the Hindu Mahasabha, the Zamindari League (founded by Sir Fazal Hussain, Sir Sikander Hayat Khan and Sir Chottu Ram) and the Krishak Praja Party of A.K. Fazal Haque. Congress Ministries were formed in July 1937 in seven out of eleven provinces. Surprisingly, the Muslim League could not secure majority in any of the four Muslim majority provinces.

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\* Ch. Ranbir Singh is a former Member of Parliament and a contemporary of Dr. Mookerjee.

The whole credit of thwarting the electoral designs of the Muslim League in Bengal goes to none other than Dr. Mookerjee. It was through his efforts that the Krishak Praja Party led by Shri. A. K. Fazal Haque could form the Ministry in Bengal.

The course of the second World War (1939) and the bitter opposition of the Indian National leaders towards war, the resignation of Congress Ministries and launching of individual satyagraha by Mahatma Gandhi are too well-known to be recounted here. The events of 1940 and thereafter cast a spell of gloom in the political sky of undivided India. In 1940, the Muslim League under the leadership of Mohammad Ali Jinnah passed a resolution demanding partition of the country and the creation of a state to be called Pakistan after independence, constituting the Muslim-majority provinces of Bengal, Punjab, Sind and North-Western Frontier province. It was at this critical juncture, Dr. Syama Prasad Mookerjee came forward to oppose the unholy design of the Muslim League tooth and nail. The cooperation and help lent by Dr. Mookerjee to Shri A.K.Fazal Haque in not allowing the formation of the Muslim League government in Bengal is no mean contribution of that great patriot. Though at a later stage, the Muslim League under the leadership of Nizamuddin, could succeed in forming a Government in Bengal with the help of the British, the relentless opposition by Dr. Mookerjee to the cause of partition remained as ever.

In 1946, elections to the provincial Assemblies were held. While the Muslim League was able to form the government in Bengal and Sind provinces, in other States the Congress formed the government. In Punjab there was a coalition government.

The unprecedented communal riots which took place in Bengal, Punjab and other urban areas of the country as a result of the direct action started by the Muslim League deeply stirred Dr. Mookerjee. He did his best to fight against this communal holocaust.

The decision of the British Government in 1947 to partition

the country was an unfortunate sequel to the unhappy developments. Dr. Mookerjee, who was bitterly opposed to the idea of partition; when realised that division of the country was inevitable, threw his whole weight for the unity of Bengal and Punjab. It may be recalled that the Muslim League was hell-bent to incorporate Calcutta and Lahore with Pakistan. Dr. Mookerjee, with the active cooperation of the leaders of other parties, especially the Congress, became successful in retaining Calcutta with India.

The 15th of August 1947 saw India independent but divided. A trail of agony followed suit. The job of integrating the princely states with the union of India became a paramount concern for the leaders of independent India. The two princely states, namely, Jammu and Kashmir—one of the biggest in area; and another, Hyderabad State, with largest population, did not accede to India right after independence.

The works of Dr. Mookerjee in independent India in various capacities are as striking as his efforts in preserving the unity of Bengal in pre-independence days. Syama Prasad Mookerjee joined the Union Government led by Pandit Jawaharlal Nehru. I had the privilege of becoming a member of the Parliament and observing his style of work from a close quarters. As a Minister of Industry and Commerce in the Union Government he showed his skill and acumen as a leader of men.

Besides much else, Dr. Mookerjee was an outstanding parliamentarian. He took keen interest in the debates of Parliament. I still remember that day when I pressed the demand for the control of prices of diesel engines meant for irrigation. To this, he remarked that he was surprised to see that an honourable member who was for decontrol and against controlled economy had come out for control of prices of diesel engines. I, of course, did not miss any chance to speak against the control of foodgrains in the interest of farmers.

Indefatigable as he was, Syama Prasad was a man of words. Examples of his courage of conviction are galore. He was against the Article 370 and such other restrictions barring entry

into the Jammu and Kashmir without prior permission. He was in favour of complete integration of the State of J&K with Indian union. After resigning from the Government, he became the founding father of the Bharatiya Jan Sangh and was its first president. As a Leader of the Opposition in the Parliament, he was disarmingly articulate. He was successful in evoking adverse comments on his remarks, especially from Pandit Nehru, which suited to his political strategy.

Above all, his passion for the unity and integrity of India made him earn respect from all quarters. His announcement in Parliament in 1952 to defy the restrictions imposed on his entry to J&K speaks volumes of his patriotic zeal. He fought for the unification of India: a cause for which he even laid down his life.

## Dr. Syama Prasad Mookerji A Great Life Greatly Lived

—K.R. Malkani—

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*"A giant has departed.....Lo! the sun  
Of a colossal intellect has set ...."*

So said poet Harindranath Chattopadhyaya on the sudden death, in mysterious circumstances, of Dr. Syama Prasad Mookerji, in detention in Kashmir. Verily Dr. Mookerji was a titan -- scholar, statesman and gentleman combined.

After a brilliant academic career he became Vice-Chancellor of Calcutta University at the young age of 32. He would probably have spent all his life in Academe; but the poisoning of politics with communalism drew him inevitably into public life. Ever since 1930, when he represented the University in the Bengal Council, he became the voice of reason and moderation there. He was horrified when a non-matriculate like Shahabuddin, a cousin of the Nawab of Dacca, was appointed Vice-Chancellor. Dr Syama Prasad carried on a raging campaign until the new Education Bill, which sought to further communalise education in Bengal, was dropped.

When Syama Prasad became active in national politics in 1939, Gandhiji invited him to join the Congress, but he chose to join the Hindu Mahasabha, which alone, he felt, could checkmate the growing menace of the Muslim League. Soon the Mahasabha became a mass Party in Bengal.

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\*Shri Malkani is an eminent Journalist.

The Congress had made the tactical mistake of *not* joining hands with Fazlul Huq's Krishak Praja Party to form a coalition government in 1937. As a result Huq formed a coalition with the League and himself joined that Party. When, however, Huq fell out with Jinnah -- whom he found "prouder than the proudest Pharaoh" -- Dr. Mookerji quickly joined hands with him and the two together gave Bengal a non-communal government. The Leaguers used to taunt Huq for having a Mahasabha leader as Finance Minister. And Huq would retort in all good humour: "What is safer, keeping the lion in the cage or leaving him at large?"

Huq in his younger days used to be a junior of Sir Asutosh Mookerji, father of Dr. Syama Prasad, and now the two Syama and Huq, became great friends. Syama Prasad even used to take Huq to Hindu Mahasabha Working Committee meetings.

However, the lion in Syama Prasad was not to remain in the 'cage' for long. When the Governor refused to help the flood-hit people of Midnapore to punish them for their active role in the 'Quit India' movement he resigned. And his letter of resignation was so scathing an attack on British misrule that the Government banned its publication.

When the terrible Bengal famine came, Syama Prasad was the only prominent Bengal leader out of jail. He served the starving people day and night. When, later, Gandhiji thanked him for his services to the famine-hit, he said he had only done his duty.

When the 1946 elections were announced, Syama Prasad suggested to Nehru that the Hindu Mahasabha may be let to win some seats to provide a check to the League. But Nehru would not listen. He said Congress was going to contest Muslim seats -- and win them? In the event, the Mahasabha got few seats, the Congress lost all Muslim seats outside of NWFP. The demand for Partition became more strident and the Congress caved in.

At this stage a proposal came up to have an Independent

state of Bengal. Had it materialised, West Bengal, including Calcutta, would have also gone out of India. But Dr. Mookerjee would have none of it. He made it clear to Gandhiji that it was a proposal of the British commercial interests owning jute mills, which did not want jute fields to fall in Pakistan and jute mills, in India. He also feared that today it was independent Bengal, tomorrow it may come to independent Bombay and independent Madras. And so the proposal was scotched. Some Years later when Nehru said Mookerjee had also agreed to Partition, the latter retorted: "You partitioned India; I partitioned Pakistan".

When independence came, thanks to the constructive approach of Gandhiji, India got a national government. Although Congress had overwhelming majority, the new cabinet of 14 had as many as seven non-Congressmen, Dr. Mookerjee, Dr. Ambedkar, Matthai, Baldev Singh, Bhabha, Neogi and Shanmugam Chetty. Today when small little men pettily propose, and no less pettily disprove, the idea of a national government, they need to learn from the example of 1947 to give the country a Government of All Talents.

As Industry Minister, Syama Prasad gave the country Sindri Fertilizers and Chittaranjan Loco. In the four years of the pilotage of the crucial ministry, he did not attract one barb of criticism -- so free from blemish was his performance.

However, early in 1949 there was a Pogrom in East Pakistan when lakhs of Hindus came over. Sardar Patel asked Pakistan for territory to settle these refugees. And nehru talked of "other methods". However, soon after, the government signed a lifeless Nehru-Liaquat Pact and Hindus in East Bengal were forgotten. Syama Prasad resigned in protest. Had Nehru had the necessary grit, Bangladesh would have been born in 1951 itself -- and not twenty years later in 1971.

Dr. Mookerjee now came out and organised the Bharatiya Jan Sangh (BJS) (now renamed Bharatiya Janata Party) in consultation with Shri Guruji of the Rashtriya Swayam sevak sangh RSS. Nehru threatened to "crush" BJS; and Mookerjee



said: "We will crush this crushing mentality." Although the new party didn't win too many seats, it secured more than 3% of the popular vote and thus qualified as one of the five recognised National parties. Also Syama Prasad lost no time to forge a United Democratic Front consisting, among others, of BJS, Socialist Party (SP) and Kisan Mazdoor Praja Party (KMPP). Within days, he became the unofficial leader of the opposition. Dr. Mookerjee's UDF was the precursor of SVDs in 1967 and Janata Party in 1977. It was of this brief but glorious period that Harindranath said:

"He gave us the impression of a tree  
 "With thoughts about him like to foliage packed...  
 "Friend! we shall miss your presence and your speech  
 "Which thundered every time you rose to speak."

Many people saw in him the future Prime Minister of India. But that was not to be. Kashmir was almost as live an issue then as it is now. The BJS challenged the separate special status of Kashmir and took the line --

"Ek Desh mein Do Vidhan,/"Ek Desh mein Do Pradhan",  
 "Ek Desh mein Do Nishan/  
 "Nahin challenge, Nahin challenge".

(We shall not tolerate two Constitutions, two  
 Presidents and two Flags in one country.)

A big Satyagraha movement was launched in Delhi, Jammu and Kashmir. Dr. Mookerjee, himself defied the Permit Rule and entered the state on May 11, 1953, without the obnoxious permit. He was promptly arrested, driven all night to Srinagar, kept in an out of the way cottage and, on June 23, they announced that he was dead! Nobody was ever told that he had been ailing in detention. The whole country was shocked and scandalised. Moving messages of condolence poured in from all over the country. Fazlul Huq cried in Dhaka: "The loss of the only brother I had in this world, has driven me mad with sorrow."

When it became known that Dr. Mookerjee had been moved for treatment to a "Nursing Home" which did not have even oxygen, many described it as "medical murder". Dr. Ambedkar said even vagrants.

were sent back to their respective states, and not kept in jail. He demanded to know why sheikh Abdullah had kept him in jail and not sent him back to Delhi or Calcutta. When Nehru wrote to Syama Babu's mother, Lady Jog Maya Devi, condoling the death and asking what he could do for her, she asked him to appoint a judicial inquiry into his death. But there was no inquiry; only a big black cloud of doubt and suspicion. All Nehru did was to remove Abdullah and abolish the permit system. Had he cut at the root of the mischief Article 370 right then, there would have been no trouble in Kashmir today.

In his death, no less than in his life, Syama Prasad served the unity and integrity of India. Today the BJP is a living and growing monument to his life, work and thought.

# **P A R T T H R E E**

## **HIS IDEAS**

**(Excerpts from some select Speeches of  
Dr. Mookerjee in Constituent Assembly/Provisional  
Parliament/Lok Sabha)**

## Constituent Assembly: its constitution and character

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I believe in the course of the chequered history of our country, we have often passed motions and resolutions from different political parties and platforms embodying our demands for an Independent Sovereign State for our motherland. But so far as today's Resolutions is concerned, it has a deep and special significance. It is for the first time in the history of our country, since we came under British rule, that we have met to frame our own constitution. It is a great responsibility—in fact, as the Hon'ble the Mover of the Resolution reminded us, it is a solemn and sacred trust which we Indians have agreed to perform and we propose to do so to the best of our ability. Now, Sir, the amendment which has been moved by Dr. Jayakar raises certain questions of fundamental importance. I am sorry I cannot support the amendment. The effect of the amendment practically is that we cannot pass a resolution of this description at all until the Sections have met and made their recommendations. The mover of the amendment wants that we should not pass this Resolution until both the Indian States and the Muslim League are enabled to attend the Constituent Assembly. So far as the Indian States are concerned, they cannot come even if they wish to until the Sections have met and settled the provincial constitutions, which means how many months none can foretell. So far as the Muslim League is concerned, no doubt, every one regrets that the Muslim League has not found it possible to attend the preliminary session of the Constituent Assembly. But what guarantee is

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\* Constituent Assembly Debates, 17 December, 1946

there that, if this Resolution is postponed till the 20th January next, the Muslim League will come and attend the session?

I feel, that the question should really be looked at from a different point of view. Does this Resolution raise issues which are in any way in-consistent with the Cabinet Mission's Scheme of May the 16th? If it does raise issues which are inconsistent with that scheme, then obviously we are prejudging matters, we are raising matters which, it may be said, we have no right to do as this stage. Now, that document to my mind is something like a puzzle picture. You can interpret it in so many ways looking as it from different angles of vision. But looking at the Resolution at it stands, what is the declaration that it is making now? It enumerates certain fundamental things which are within the frame-work of the Scheme itself. I know that if we go into some details I have to refer to at least one matter on which many of us hold divergent views, namely, the question of residuary powers. But that is a matter which the Cabinet Mission's Scheme has included within the contemplated frame-work of the Constitution. That is a matter on which the Indian National Congress has expressed its opinion; that is a matter, I believe, on which the Muslim League also has expressed its opinion. Some of us differ from that standpoint and urge a stronger Centre in India's paramount interest. We shall do so at an appropriate stage later on. Pandit Jawahar Lal Nehru, as the mover of the Resolution, has also made it clear that we are not now framing a constitution for India; we are only passing a resolution at this stage, at the preliminary stage, outlining generally the shape that the future Constitution of India should take. In other words, when the time actually comes for us to frame the Constitution, I believe, it will be open to any one to bring up any matter that he chooses before the House as an amendment to any proposal that may be made and which is bound to be considered on its merits. The passing of this Resolution, I take it, can be no legal bar whatever against any member bringing forward any amendment to the draft Constitution that this Assembly may frame at a later stage. If assurances are forth-coming on these two issues, namely, that the

Resolution as drafted does not go against the main features of the Cabinet Mission's Scheme and also that it does not commit the Constituent Assembly in a definite manner with regard to the details of the Constitution that is yet to come. I see no reason why any obstacle should be put forward to passing the Resolution at this stage.

The Resolution has an importance of its own. After all, we are sitting here not in our individual capacity, but we claim to represent the people of this great land. Our sanction is not the British Parliament; our sanction is not the British Government; our sanction is the people of India. And if that is so, we have to say something, not merely to frame rules and regulations,—we have to say something concrete to the people of India as to why we have assembled here on the 9th December 1946. If what the mover says had been the correct position, then this Constituent Assmebly should not have been called at all; in fact the mover need not have attended the meeting. He should have informed the Governor General,—“I regret I cannot accept your invitation because I feel you are doing wrong incalling the Constituent Assembly as the Muslim League and the Indian States are not attending.” But having come here, for us to raise this issue is practically to walk into the trap of the Muslim League and to strengthen the hands of reactionaries in Great Britain. I know that the hon. member will be the last man to do such a thing. I admire his courage of conviction; in fact, every one who feels that a certain thing should be done, must be able to come forward and present his view point. But we may also respectfully point out the great danger that lies in the innocent looking amendment that he has put forward before the House, and I hope that he will withdraw the amendment in due course when the time comes.

I would like just to say a few words with regard to another aspect of the question. The Resolution is there, but, how are we going to implement it? What are the impediments that we already see before us which may prevent us from carrying this Resolution into effect? Now, one, of course, is the status of the Constituent Assembly in the absence of the Muslim League.

The mover of the amendment referred to some analogy of a dinner party. He said, "If guests are invited and some guests do not come, then how can you have the dinner party?" But he forgot to say what will be the fate of the guests who have already arrived? If he is going to be the host and invites six guests, suppose five of them come and one is absent, is he then going to starve those five guests of his and turn them out of his house and say, "the sixth has not come and you are not going to get your food?" Obviously not. Here also the hunger for freedom for those who have come has to be satisfied. Mr. Churchill said that the absence of the Muslim League in the Constituent Assembly was something like the absence of the bride in the Church when the marriage was going to take place. I do not know, when the Indian States come in and also the Muslim League, how many brides the Constituent Assembly is going to have ultimately. In any case, if that is Mr. Churchill's point of view, he should not play the role of a seducer. He should have asked Mr. Jinnah to go back to India and join the Constituent Assembly and place his point of view before the people of India. No one has said that the Muslim League should not come. In fact, we want that the Muslim League should come so that we can meet each other face to face. If there are difficulties, if there are differences of opinion, we do not wish that we should carry only by majority votes. That may have to be done as a last resort, but obviously, every attempt must be made, will be made to come to an agreement as regards the future Constitution of India. But why is the Muslim League being prevented from coming? My charge is that the Muslim League is not coming because of the encouragement it receives from British attitude. The Muslim League has been encouraged to feel that if it does not come, it may be able to veto the final decision of the Constituent Assembly. The power of veto in some form or another has again passed into the hands of the Muslim League, and that is the danger that threatens the future activities of this great Assembly. I am not going to discuss in detail, because this is neither the time nor the occasion when I can discuss, the various provisions of the British statements. But, I would certainly say this: that this

Constituent Assembly, although it is a British creation for the time being, once it has come into existence, it has the power, if it has the will to assert its right and to do what is best and proper for the attainment of India's freedom, for the good of the people of India irrespective of caste, creed or community. (*Hear, hear*).

Now, we have said, at any rate, the Indian National Congress has said—because that was one of the major parties with whom negotiations went on—that they stand by the Cabinet Mission Scheme of May 16. It gladdened my heart yesterday when the Hon'ble Sardar Vallabhbhai Patel got up, and said that the Congress has not accepted anything beyond the Statement of May 16, 1946. That I consider to be an announcement of fundamental importance. We have got to make it clear as to what we are here for. I say that our attitude should be something like this: We shall give the Cabinet Mission Scheme of May 16, a chance; genuinely, honestly we shall see if we can come to an agreement with the other parties and elements on the basis of the Scheme on May 16, 1946. But subsequent interpretations, if any, we are not going to accept. Or if any party chooses to deviate from the Scheme and break away, we shall proceed and frame the Constitution as we wish.

There has been considerable difference of opinion with regard to one clause of the Statement of May 16, 1946, and that is with regard to the question of grouping. Now, it is for the Congress to decide, as one of the major parties involved, what interpretation it is going to accept ultimately. If the interpretation as given by His Majesty's Government is not accepted, and if the Congress considers that the interpretation, put upon that portion of the Statement by it (the Congress) is correct, then of course a crisis may come. That is a question which has to be decided apart from a discussion on this Resolution. In fact, the greater the delay in making a decision on that question, the greater will be the atmosphere of unreality; so far as the proceeding of this House are concerned. But after that question is decided, supposing the interpretation put by His Majesty's Government is accepted, whether by a reference to the Federal



Court, or not, I need not go into, then we shall go on. We shall proceed with our work. The Muslim League may come or may not come if it comes, well and good; and even if it does not come, it cannot retard India's freedom and we must claim to proceed with our business in the Constituent Assembly. I feel, that if a crisis does come, as I visualise, it is likely to come, if our country is to be free, it is not going to be in accordance with constitutional means. In view of the developments that have taken place during the last few days, our task will not be performed so easily. But let me emphasise that whatever has to be done, it has to be done through the agency of this Constituent Assembly and none other. If ultimately we have to function, we shall function on our own responsibility and prepare a Constitution which we shall be able to place before the bar of world opinion and satisfy everyone that we have treated the people of India, minorities and all, in a just and equitable manner.

After all what happened with regard to the South African question? We have today in our midst, the Hon'ble Mrs. Pandit, who has come back to her motherland after a great victory. But even there she was not supported by our self-constituted trustee—His Majesty's Government in Great Britain. In fact the vote went against India so far as Great Britain was concerned. But she won. The Indian Delegation won before the bar of world opinion. Similar may be the case with regard to the Constituent Assembly also. If we take courage in both hands and frame a constitution which will be just and equitable to all, then we shall be able, if need be, to declare this Constituent Assembly as the first Parliament of a Free and Sovereign Indian Republic (*Loud chers.*) We then may be able to form our own National Government and enforce our decision on the people of this land. As I said a few minutes ago, our sanction is not the British people or the British Government. Our sanction is the people of India and therefore we have to make the ultimate appeal to the people of our country.

Sir, when we talk about minorities, it is suggested as if the Muslim League represents the only minority in India. But that is

not so. There are other minorities. Coming from Bengal with all her tragic suffering, let me remind the House that Hindus also constitute a minority in at least four Provinces in India and, if minority rights are to be protected, such rights must affect every minority which may vary from Province to Province.

Only last night, Lord Simon made the startling announcement that the Constituent Assembly sitting in Delhi consists of only Caste Hindus. So many false statements have been uttered during the last few days in England that it is difficult to keep count of them all. But who are represented in this House today? There are Hindus; there are some Muslims too. At least there are Muslims from one Muslim Province who come as representatives of a Government which is functioning there in spite of the Muslim League. There are the representatives of the Province of Assam which is supposed to be part and parcel of Mr. Jinnah's Pakistan-to-come. That Province is also officially represented by the majority of the people of that Province. You have the Scheduled Castes. All the Scheduled Caste members who have been elected to the Constituent Assembly are here. Even Dr. Ambedkar who may not agree with us in all matters is present here, (*applause*) and I take it, it will be possible for us to convert him, or reconvert him and to get him to our side, (*renewed applause*) when we go to discuss in detail the interests of those whom he represents. There are other Scheduled Caste members also present here. The Sikhs are present here; all of them. The Anglo-Indians are present and so are the Indian Christians. Last but not least, the Parsees also are present here. So, how did it lie in the mouth of Lord Simon or anybody else. Tribal areas and the Adivasis are also here. In fact, every element that has been elected to the Indian Constituent Assembly is here barring the Muslim League. The Muslim League represents a section. I take it a large section, may be a very large section of the Muslim community, but it is absolutely false to suggest that this Constituent Assembly consists only of one section of the people, the Caste Hindus as though Caste Hindus have been born only to oppress the others and to fashion out something which will be disastrous to

the interests of India. Now, is it suggested that if one section of the Indian people chooses to be absent from the Constituent Assembly, India should continue to remain a slave country? (*A Voice: "No"*) That reply has to be given to the people of this country who are absent and also their instigators. I would say, Sir, that we should say to the British people once and for all, "We want to remain friendly with you. You started your career in this country as traders. You came here as supplicants before the Great Mughal. You wanted to exploit the wealth of this country. Luck was in your favour. By forgery, fraud and force, you succeeded in establishing—these are all matters of history—your Government in this country, but not with the willing co-operation of the people of this land. You introduced separate electorates, you introduced religion into Indian politics. That was not done by Indians. You did it, only to perpetuate your rule in this country. You have created vested interests in this country which have become powerful enough now and which cannot be destroyed with their own willing co-operation. In spite of all these, if you really want that you and India should remain as friends in the future, we are prepared to accept your hand of co-operation. But for heaven's sake, it is not the business of the British Government to interfere so far as the domestic problems of India are concerned. Every country will have its own domestic problems and unfortunately India has her domestic problems too and those domestic problems must ultimately be settled by the people of this country." I hope, Sir, as we are not framing a Constitution now, as we are only laying down a general outline of the things that we want to do in the future, the House will refuse to listen to narrow technicalities. We shall go ahead with our work in spite of all difficulties and obstacles and help to create that great India, united and strong, which will be the motherland of not this community or that, not this class or that, but of every person, man, woman and child, inhabiting this great land, irrespective of race, caste, creed or community, where everyone will have an equal opportunity, an equal freedom an equal status so that he or she could develop himself or herself to the best of his or her talents and serve faithfully and fearlessly this beloved common motherland of ours.

## Hindi As the National Language\*

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We are considering a matter which is of vital importance, not to the people belonging to one or other of the provinces of India, but to the entire millions of India's population. In fact, Sir, the decision that we are about to take, even if we ignore for the time being the points of difference, vital though they may appear to some, the decision that we are about to take is something which has never been attempted in the history of India for the last thousands of years. Let us therefore at the very outset realise that we have been able to achieve something which our ancestors did not achieve.

Some Members have spoken no doubt out of the warmth of their feeling and have tried to emphasise upon the points of difference. I shall say a few words on the points of difference a little later. But I would like the House to rise to the height of the occasion and flatter itself that it is making a real contribution to the national unity of our Motherland of which we and those who come after us may be legitimately proud.

India has been a country of many languages. If we dig into the past, we will find that it has not been possible for anybody to force the acceptance of one language by all people in this country. Some of my Friends spoke eloquently that a day might come when India shall have one language and one language only. Frankly speaking, I do not share that view and when I say so, I am not ignoring the essential need for creating that national unity of India which must be the foundation stone in our future reconstruction. That unity must be achieved by

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\*Constituent Assembly Debates, 13 December 1949

allowing those elements in the national life of our country, which are today vital, to function and function in dignity, in harmony and in self-respect. Today it stands to the glory of India that we have so many languages from the north to the south, from the west to the east, each one of which in its own way, has made contributions which have made what Indian life and civilisation are today.

If it is claimed by anyone that by passing an article in the Constitution of India, one language is going to be accepted by all, by a process of coercion, I say, that that will not be possible to achieve. Unity in diversity is India's key-note and must be achieved by a process of understanding and consent, and for that a proper atmosphere has to be created. If I belonged to a province where Hindi is the spoken language, I would have felt proud today of the agreement to which practically all the members of this House have voluntarily submitted themselves by accepting Hindi in Devanagari script as the official language of free India.

I am not talking about the relative claims of other languages. Left to myself, I would certainly have preferred Sanskrit. People laugh at Sanskrit today perhaps because they think it is not practicable to use it for so many purposes which a modern State has to fill. I do not want to take your time by dwelling on the claim of Sanskrit. I am not fully competent to do so. but most certainly that is a language which still is the storehouse, shall I say the unlimited and illimitable storehouse, from which all knowledge and wisdom are drawn, not so much perhaps by the present generation of the Indian people but by others who have preceded us and by all true lovers of learning and scholarship throughout the civilised world. That is our language, the mother-language of India. We do wish, not for paying lip sympathy or homage to its genius, but in our own national interests so that we may re-discover ourselves and know the wealth and treasure that we accumulated in the past and are capable of achieving in future,—we do wish that Sanskrit will reoccupy an honoured place in the national educational system of India.

I am not similarly advocating the claims of other languages. You will not call it provincial if I say that I am proud of my own language. It is a language which has not remained as a mere language of the people of Bengal alone. It was the language enriched by many noble writers for centuries past—the language of Vande Mataram. It was our national poet Rabindra Nath Tagore who raised the status and dignity of India when he had his great thoughts and contributions in Bengali recognised at the bar of world opinion. That is your language. It is the language of India. I am sure that the languages of my friends from the South and the West, of which they are so proud, have also great records and must be protected and safeguarded in ample measure. All must feel that nothing has been done in the Constitution which may result in the destruction or liquidation or weakening of any one of these languages.

Why do we accept Hindi? Not that it is necessarily the best of Indian languages. It is for the main reason that that is the one language which is understood by the largest single majority in this country today. If 14 crores of people out of 32 today understand a particular language, and it is also capable of progressive development, we say, let us accept that language for the purposes of the whole of India, but do it in such a way that in the interim period it may not result in the deterioration of our official conduct of business or administration and at no time retard true advancement of India and her other great languages. We accept that proposition, and the scheme which Mr. Gopaldaswami Ayyangar has placed before you includes certain principles which we consider taken as a whole, meet this view-point and will be not in the interests of the people coming from the south of India, but in the interests of the people of India as a whole.

You have got some time fifteen years, within which English will have to be replaced. How is it to be replaced? It will have to be replaced progressively. We will have to decide realistically whether for certain special purposes English should still be continued to be used in India. We might have rid India of British rule—we had reasons for doing so—but that is no reason why

you should get rid of the English language. We know fully well the good and the evil that English education has done to us. But let us judge the future use of English dispassionately and from the point of view of our country's needs. After all, it is on account of that language that have been able to achieve many things; apart from the role that English has played in unifying India politically, and thus in our attaining political freedom, it opened to us the civilisation of large parts of the world. It opened to us knowledge, specially in the realm of science and technology which it would have been difficult to achieve otherwise. Today we are proud of what our scientists and our technical experts have done.

We would be suffering from a sense of inferiority complex if we examine the role that the English language should play in this country from any narrow standpoint. There is no question of the English language being used today for political purposes or for dominating any system of national education. It will be for us, the representatives of the people of free India, to decide as to how progressively we will use Hindi and other Indian languages, how progressively we will get rid of the English language; if we feel that for all time to come for certain purposes, we will allow English language to be used or taught we need not be ashamed of ourselves. There are certain matters which we have the courage to speak out, not in individual or sectional interest, but where we feel that such a step is to be taken in the interests of the country as a whole.

Sir, with regard to regional languages. I am now happy that the amendment proposes to include in the body of the Constitution itself a list of the principal regional languages of India. I hope we will include Sanskrit also. I shall speak here with frankness. Why is it that many people belonging to non-Hindi speaking provinces have become a bit nervous about Hindi? If the protagonists of Hindi will pardon me for saying so, had they not been perhaps so aggressive in their demands and enforcement of Hindi, they would have got whatever they wanted, perhaps more than what they expected, by spontaneous and willing co-operation of the entire population of

India. But, unfortunately, a fear has been expressed, and in some areas that fear has been translated into action, where people speaking other languages, not inferior to Hindi by any means, have not been allowed the same facilities which even the much-detested foreign regime did not dare to deprive them of.

I would beg of those who represent the Hindi speaking provinces in this Constituent Assembly to remember that while we accept Hindi, they in their turn, take upon themselves a tremendous responsibility. I was glad to find that some weeks ago at a meeting of the Hindi Sahitya Sammelan, a resolution was passed that in these Hindi speaking provinces, there will be compulsory arrangements for the study of one or more of the other Indian languages. Let that not remain a pious resolution. It will depend upon leaders like Pandit Govind Ballabh Pant, Babu Purushottam Das Tandon, Babu Shri Krishna Sinha and Pandit Ravi Shankar Shukla to see to it that within the next few months, arrangements are made, if necessary by statute for the due recognition in their areas of other important regional languages, specially if there are people speaking those languages residing in those areas.

A lot of talk is going on about what is meant by Hindi. There cannot be any artificial political forces or forces created by statutory provisions dictating as to how a language is to be shaped. A language will be shaped in natural course of events, in spite of current controversies, in spite of individuals, however big or however eminent for the time being they may be. It is the people's will that creates changes; they come naturally and often imperceptibly. It is not a resolution of the Constituent Assembly which will decide the supremacy of a language. If you want that Hindi is to really occupy an All-India position and not merely replace English for certain official purposes, you make Hindi worthy of that position and allow it to absorb by natural process words and idioms not only from Sanskrit but also from other sister languages of India. Do not obstruct the growth of Hindi. I can speak Hindi in my own Bengali way. Mahatma Gandhi spoke Hindi in his own way. Sardar Patel speaks Hindi in his own Gujarati way. If my friends from the U.P. or Bihar



come and say that theirs is the standard Hindi which they have laid down and any one who cannot speak this language will be tabooed, it will be a bad thing not only for Hindi, but it will be a bad thing for the country. I am glad, therefore, that provision has been incorporated in the draft article suggesting as to how this language should develop in this country.

I do hope an Academy of Languages will be established by the Government of India and perhaps similar academies will be established in other regional areas in India where a systematic study of Hindi and other Indian languages will take place, where comparative literatures will be studied and publications in Devnagari script of selected books in all Indian languages will be organised; where the more important task of finding out terms and terminology specially for commercial, industrial, scientific and technical purposes will be dispassionately undertaken. Let us not be narrow-minded in this respect. I played my humble part in giving to my mother-tongue its due place in my University, a work which was started by my revered father nearly sixty years ago and it was left to me to bring that work into fruition fifteen years ago. Calcutta gave ungrudging recognition to all languages in India. We selected our terms and terminology from the point of view of our future advance and not narrow sentiments. If today it is said that all technical terms and terminology are to be used in Hindi, you may do so in the provinces where Hindi is being spoken. What will happen to Bengal, Gujarat, Maharashtra and Madras? Will they also use their own technical terms in their State languages? If that is so, what will become about the inter-change of opinion and inter-change of educational facilities between one State and another? What will happen to those who go to foreign countries for their future education? These are questions I would ask you to ponder over. Let us not be carried away by mere sentiment. I am certainly proud of certain sentiments. I am anxious that there should be a language which gradually will become not only the spoken language of the entire population of India, but a language in which the official business of the Government of India will be carried, and will be capable of being used by all.

We have agreed it will be Hindi. At the same time, it has to be adjusted and re-adjusted at every step in such a way that our national interests may not suffer and not injure the interests of the State languages also. If you proceed in that fashion I have not the slightest doubt that we will not have to wait for fifteen years: more readily, it will be possible for people of all the provinces to agree to and implement our decision.

Lastly, I shall say a few words about the numerals. Much has been made about the numerals. But, this suggestion which has been made is not in the parochial interest of the people who come from South India. That is a point which must be understood by every section of this House. The continuance, until otherwise decided, of the international numerals, which really have come back to the land of their birth in a somewhat modified form, is vitally necessary in our own interests, at least for many years to come. Later on, if, on the recommendation of the Commission, the President feels that a change is to be made, that change may be made. You have got your statistics; you have got your scientific work to be done. You have your commercial undertakings, banks, accounts, audit. You have so many other things in respect of which the use of international numerals is necessary.

Some of my friends ask me, if you are taking the entire Hindi language, and when some of the numerals more or less similar, why not accept a few more? It is not a question of learning three or four numerals. I believe every one will know the Hindi numerals, which may be also used right from the beginning. Hindi numerals will also be learnt by all. But the question is regarding their use for purposes for which you consider they cannot be properly used.

Some of my Hindi-speaking friends have asked, why compel us to use the international numerals? We are not banning the use of Hindi numerals in Bihar, Central Provinces or the U.P. where Hindi will be the State language. Obviously, Hindi numerals will have a large part to play. Where is the harm if you learn the international numerals also and use them for all-India official purposes? Rather, it will be to your benefit,

especially for your higher educational curriculum. It is not a matter which need be carried by a majority of votes. Even if some of them feel against the all-India use and recognition of the international numerals in addition to Hindi numerals, even if he feels that this is not fair and just, or is not to his liking, for the very fact that Hindi which is the language of this own province is being accepted by the entire people of India, he should have the statesmanship to get up and say that in spite of his personal feelings, he accepts the compromise and approves the resolution.

We have passed many important resolutions in this House during the past years. We have faced many crises together. It will be making a childish affair if on a matter connected with numerals, the Constituent Assembly of free India commanded by one political party divides. We shall be making a laughing stock of ourselves and the whole of India and we would be strengthening the hands of our enemies. Let us emphasise not on the differences but on the substantial achievement of our common aim. Let us tell the whole world that we have done so without rancour and with unanimity. Let us not look at the matter from a political angle.

It pains to find that in some areas, acceptance of international numerals may become a first class political issue. It depends on the leaders of those provinces to take courage in both hands, get up here and say that they have accepted this compromise for the good of India and that they are going to stand together. If the leaders say so, I have not the slightest doubt that the people also will accept it. We have not banned the circulation of Hindi or Devanagari numerals in any province where the State legislature so decides or even for all-India purposes. All that we have recommended is the acceptance of a formula which we feel will be fair and just to all. I hope that before the debate concludes it will be possible for the representatives of the different view-points to meet together and come forward before the House with the declaration that the proposition of Mr. N. Gopalaswami Ayyangar is going to be unanimously accepted.

## India vis-a-vis International Situation\*

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In rising to speak on the foreign policy of the Government of India one would naturally feel overwhelmed by the critical situation with which the whole world is faced today. I would like to deal with the problem not only from the point of view of the world situation but from the point of view of the security and safety of our own country, because I feel that the latter consideration is of as much importance as the former one.

There will be none in this House or in this country who will not re-echo what the Prime Minister had said about the desirability of avoiding war. In fact as he has pointed out, there is hardly any country in the world or people residing in any country who are not saying the same thing. Yet we are drifting towards a war. The Prime Minister has also asked the House that we should be very careful in choosing our language, specially in dealing with the affairs of other countries and should not add to the explosive nature of the present situation. At the same time I think it is essential that we should speak frankly, specially in respect of the points where we feel that a change is called for in the policy of the Government of India.

We want peace. We want to avoid war. We would like to follow the policy of negotiations. We would like to be patient, though not, as the Prime Minister said, too patient always. At the same time we must guard ourselves against not following a policy of drift. We must be able to arrive at decisions—we hope correct decisions—at the right time. We must also guard

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\*Parliamentary Debates 6 December, 1950, Col. 1279-1286.

against the possibility of trying to please everyone. That is a dangerous pastime and very often we are reminded of the fate that overtook the old traveller—who was no doubt guided by moral principles—who tried to cross over a rickety bridge with his son and donkey, sometimes rode on the donkey himself, then persuaded by others put the son on the donkey, then placed both himself and the son on the donkey, and ultimately carried the donkey on his shoulders, with the result that he lost the donkey. In this case, if we try to follow the same policy, we may or may not lose any donkey, but we may lose our country. In any case, we must be able to make up our minds, especially at this critical juncture, as to what should be our outlook and our policy with regard to international matters.

I shall not deal in detail with Korea. But I must say that we have noticed certain inconsistencies with regard to our approach even to this problem, which it is very difficult to explain. The Prime Minister today emphasized that no settlement with regard to Korea was possible, ignoring China. That is certainly a point of view worthy of serious consideration. But when India decided to support the Resolution before the Security Council, declaring North Korea as an aggressor, obviously it was known who was behind North Korea. North Korea had no independent status of her own. North Korea was backed by China and, may be, ultimately supported by Soviet Russia. But we did not hesitate in declaring North Korea as an aggressor and we also took our plunge into the war. If today China has to be satisfied with regard to North Korea, then obviously China will dictate her own terms. When we discussed the Korean issue in Parliament some months ago, this was the point which I touched in my speech. Is the fighting between North Korea and South Korea just a localized affair or is it something bigger? I did appreciate the position which the United States took up. The United States did not regard it as just a simple case of aggression on the part of North Korea against South Korea but it also kept the ideological conflict which was in the background.

Today naturally attempts are being made to keep the Korean

conflict confined to its limited circle. We all hope that that will be so but here again, somebody has to eat the humble pie. China today has shown that she does not exactly represent the despised Orientals and whatever the reason may be, she has acquired enormous strength and she is able to meet on the battle-ground the finest forces that the United States and other allied powers could have sent. Naturally our deepest sympathy will go to the U.S.A because one half of her peace-time army today is on the battle-fields of Korea and the United States is claiming that she is not fighting her own battle, but she is fighting the battle on behalf of Democracy. Here we have to make our mind exactly as to what we stand for. The Prime Minister referred to China. We have no quarrel with China, so long as China is anxious for the liberation of her own people. Everyone will have sympathy with the Chinese people but if China takes upon herself the task of liberating other peoples also who may not be anxious to obtain liberation at her hands, naturally that creates complications which will affect not China alone, but the rest of the world, particularly Asia. The proceedings in the House of Commons in London are rather interesting reading. There even a great fighter and patriot like Mr. Churchill has been thinking not in terms of saving Asia, not even thinking so much in terms of making Korea the real testing ground but he has quite realistically been thinking of the possible repercussions on Europe and particularly England, if by any means Korea is allowed to develop into a theatre of world war. That is a realistic, a strategic approach. We have got to look at these problems undoubtedly from the point of view of world peace but principally also from the manner in which our own position may be affected.

Along with China, we have to take up the question of Tibet because both are inter-linked. Now the Prime Minister naturally reminded the House of the part which India had played progressively in the matter of recognition of the legitimate rights of the present Chinese Government. How has China reciprocated? When it comes to the question of Tibet, there may or may not be some sort of loose suzerainty of China over

Tibet, but historically this not so easy a matter and yet, what is the reply that China sent to India, when India asked China not to proceed on the path of violence in the matter of Tibet? The reply that China has sent has shocked, surprised and has given sorrow to the Government of India. I do not know whether it has made any difference with regard to China's settled policy in respect of Tibet, but here again, what is the definite policy of the Government of India with regard to Tibet? The Prime Minister just glossed over it. He said: We have sent another request asking them to be peaceful, but has that made any difference? Just as in the case of Korea, each country, for which this so-called liberation starts is the worst sufferer.

It is like the old story of the operation being fully successful and the patient succumbing. The sufferings of the people themselves are indescribable. Only in this morning's papers we had a graphic account of the last British Correspondent who left the North Korean capital, stating how he found the whole place burring, reminding him of some performances of Sir Guy Fawkes. Similarly with regard to Tibet, we sent frantic appeals to China asking her not to be violent but did China listen? What is the policy behind China's action? It is no use our trying to gloss over things because these are matters which affect not only the people of Tibet but also the security of India. It is a fact that the boundary between India and Tibet is yet to be definitely defined. The Prime Minister said the other day that we stand by the Mac Mohan Line but the maps of China which are in circulation even now include portions of Assam, Ladakh and Leh and territories in which India is vitally interested. The reply which China has sent to India on the question of Tibet definitely indicates that China will do everything necessary for the purpose of keeping intact what it considers to be China's border and when it refers to Chinese border, it includes Tibet as well and the undefined boundary of Tibet so far as it touches the Indian border. Similarly with regard to Nepal. The Prime Minister spoke very calmly the whole time—he did not use strong words—a few strong sentences were however used by him, when he warmed up in connection with Nepal. We must follow a patient policy with regard to Pakistan; we must follow a

friendly policy with regard to China; we must follow a surrendering policy with regard to Tibet but with regard to Nepal, we shall never allow any one not only to enter into Nepal—any foreign power—but also not allow anyone to go over to the other side of the Himalayas. It is perfectly true; we are interested in Nepal. It affects our security to a very considerable measure. Some solution will have to be found with regard to Nepal. Even with regard to Nepal, we have been too long undecisive. We do not know exactly what is it we want. We must have a strong and stable Government in Nepal and a Government which has the backing of the people at large. If by any chance civil war continues in Nepal, it is not India that will benefit, it is China through Tibet which may come and play havoc in that part of Asia.

I would beg of the Prime Minister to realise is that the time has come when we have got to take, decisions with regard to major questions and be prepared to act before it is too late.

I personally feel that this world is big enough for all of us to live in. I do also feel that it is quite possible that there may be different ideologies in different parts of the world. It should be madness for anybody to think that the world must be built on one pattern and one alone. So long as people residing in one country or the Government representing that country decide to confine their activities within their own limits, and apply to their own people whatever doctrines they consider to be favourable or fashionable to them, it should not really concern the rest of the world. But, the trouble arises when ideologies and principles either peacefully or violently penetrate into other territories and disturb the set up in those countries and come as a challenge to the world.

What is happening in the world today? The world is in the grip of lust for power, possession, and prestige. These are the three things which are ruling the world. Naturally, we do not wish to take sides openly, and blatantly. We do not wish it to be known that we are simply the torch-bearers of somebody else; because we have also our own philosophy and our own ideology. The doctrine for which India has stood has been the



doctrine of live and let live. At the same time, if the danger signal comes, if the red signal comes. What is it that India will do? Suppose the Himalayas, which were considered to be impregnable, that huge border covering 2,000 miles for which no separate precaution or defence was thought to be necessary, but which has suddenly become an important frontier, happen to be the line through which there is penetration or infiltration into India, how is India going to defend herself? That also is very much connected with the internal conditions prevailing in India. The growing deterioration in our economic conditions is a menace to our internal security and our ability to check infiltration or aggression. I have nothing to say against communist philosophy as such. The Indian people may decide to adopt whatever *ism* they like to adopt. But, we do certainly believe in democracy. We shall tolerate no external interference. I am not referring to the ideologies for which England or America may stand, or their sins of omission and commission. But, there are certain fundamental and basic ideologies for which India has stood, and even stands today. We stand for freedom of expression, for freedom of thought, for freedom of association and religion and our Constitution has been based on the sound principles of democracy. India will not, therefore, and cannot accept any principles attached to totalitarianism or dictatorship. If there is an ultimate conflict between these two ideals, we cannot just sit on the fence. By all means let us try to negotiate; but if there is ultimate conflict, then what will India do? If the possibility of danger comes to India, can India alone, by herself, defend her territory against a big aggression? These are big question marks. It is not my purpose to go into these detailed questions. But I would certainly tell the Prime Minister that the people of India expect that there should be a more realistic approach in respect of the foreign policy of India. No doubt, we stand for peace; but the inconsistencies and uncertainties of our foreign policy are making us slowly drift towards something which may bring disaster to India more quickly than what many think.

The last remarks that I would make will be with regard to

Pakistan. The Prime Minister said nothing about Pakistan. In one sentence he has brushed aside Pakistan.

So far as Pakistan is concerned, what exactly is our policy? As I have stated repeatedly, there must be an overall policy between India and Pakistan. We are supposed to be at the war with Pakistan in Kashmir. Pakistan is the aggressor there although what is true for Korea is not true for Kashmir. In all other matters, we are trying to carry on a conciliatory policy with them. Our policy must be based on reciprocity, complete reciprocity. If we get good treatment from Pakistan. Pakistan gets good treatment, it is no use our merely saying that we carry on a policy of negotiation with them and ultimately become weak and humiliated. I shall not refer in detail to Eastern Pakistan. The only ground on which the Prime Minister stands is that on an average about 2,000 people more are going back to East Pakistan every day. But, why are they going there, how they are living there, to what conditions of humiliation they are being subjected are questions which the Prime Minister has not been able to answer. He knows much better than even myself the life of misery, shame and humiliation which these millions of Hindus in East Bengal are being forced to live. He said in the course of his speech that whatever happens, India will never agree to any discrimination being made in reference to South Africa, whether it is based on race or religion. When people who had their loyalty fixed upon undivided India, who made Indian freedom possible, and today also naturally look to India for protection and help in emergency, are forced to live in an atmosphere of insecurity and misery and humiliation, then what is India's policy in respect of them? Are we so weak as merely to watch and appeal? Today, what is needed is that the people of India must get a proper lead from their Government. If God forbid, the situation worsens. India will have to depend as much on her arms and ammunitions or military strength as on the united moral strength of the people. I was rather perturbed the other day when the Prime Minister excitedly answered a question put by a member and said that he was reducing defence

expenditure. The matter has not been discussed in detail. If reduction in defence expenditure means a weakening of the military position of India. I say, that the Government of India will be doing the greatest possible disservice to India as a whole. Today two things are vitally necessary. We have to strengthen our military position and if we cannot do it alone. We shall have to do it in collaboration with others with whom we can stand on a common platform in defence of a common ideology. Then we shall have to strengthen internal strength and peace and satisfactorily solve the economic problem, as much as we can by our own efforts, as with the help of others so that we can create that solidarity and stability which would be impregnable both from the national and international standpoints.

## Preventive Detention\*

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I would like to approach the problem from the point of view of one who was a member of the Government when the original (Preventive Detention) Bill was passed into law about a year ago, conversant as I then was with all the circumstances which led the Government to bring forward such a drastic measure before the House, and also as one who during the last ten months have had ample opportunity of coming into contact with various points of view, not only in my own province, but in the whole country, especially with regard to the working of this Act.

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....this is not a matter which we can take in a light-hearted manner. Indeed, the hon. the Home Minister him-self started his speech by saying that he moved his motion with a very heavy heart. None likes any provision for the detention of citizens without trial, and especially, the hon. Members of this House, many of whom were subjected during their active political career to detention without trial, and I know of many outside also who suffered during the old regime in this fashion. In fact people outside—not those people who want to create mischief—many people outside who are supporters of a strong policy to be pursued by Government get bewildered at the fact that the very people who were sufferers in the hands of a regime which resorted to detention without trial and the very people who opposed such measures ruthlessly and relentlessly should now find it necessary to enact a measure of this description. Which Indian can forget the agitation that convulsed this vast country of ours from one end to another when the

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\*Parliamentary Debates 13 February 1951, Col. 2782-2805

Rowlatt Bill was on the anvil? Who can forget that the great tragedy at Jallianwala Bagh was one of the consequences of the nation-wide protest which was launched by Gandhiji against the principle of detention without trial?

At the same time, we have to realise, if we find that there are in the country today elements which are acting in a manner which goes against the vital interests of the people and the nation as a whole, then we have to consider what restrictive measures we should adopt for the purpose of tackling them. It has been stated that Sardar Patel, when he introduced the Bill, was also not happy about it at all. In fact, I remember the pathetic way in which he mentioned the fact that for several nights he had no sleep, because he could not reconcile himself to the position of a Home Minister, who was compelled to bring such a drastic measure before Parliament for approval. And he gave the assurance that although there were reasons—which have been repeated and I do not wish to repeat them—why a hurried measure had then to be placed before Parliament, he would see to it that a well considered Bill was placed before Parliament as soon as possible. Much as we may criticise Government, let us have the frankness to admit that the amending Bill makes very important changes—changes for the better. The Advisory Board will now be able to deal with all cases. It is not quite clear whether cases of persons who have been detained for less than three months will also be covered under this clause.

I am glad that all cases including cases of persons who may be detained for a period of less than three months will also come under the purview of the Advisory Board. Let us not ignore the importance of this provision, because under the Constitution itself it is not essential for Government to place cases of persons who are detained for a period of less than three months before the Advisory Board at all and if the Home Minister proposes to include their cases also, it is not doubt a change for the better.

We also note with pleasure the provision for release on parole, because we know that there have been a large number

of cases where such persons have suffered, since there was no such provision in the past. I congratulate Government on the changes they have made.

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A number of speakers seem to suggest that a change has come into the administrative structure of this country by reason of the removal of the British power, and, therefore, although people could oppose the enactment of such measures during the previous regime, similar objections should not be taken now—the representatives of the people being in charge of the affairs of the Government today.

That is the line of thought, the line of argument in the minds of a number of responsible people. I do not think that that is a correct approach to the problem. No doubt the hand that struck us when we were a subject nation was white one, but if certain things were intrinsically bad in those days, they do not become good or even tolerable because the perpetrators of the same acts may be either brown or black. Further, if we look at the happenings in other countries which have been the home of liberty and freedom, especially I would mention England and America,—there have been no foreign Powers ruling over the destinies of those countries—yet, how reluctant the people of those countries and the representatives of the peoples in their Parliaments and legislatures have consistently been to vest the executive with arbitrary powers, especially with regard to detention without trial. In England during the war there was a suspension of all those rights and privileges like the *habeas corpus*, the petition of right, and as a distinguished British judge who was regarded as one of the champions of individual liberty remarked, war was a thing which cannot be carried on according to the principles of the Magna Carta. The justification was that during a period of emergency, such as undoubtedly the war was, there should be a complete suspension of those great privileges which were the birth right, so to say, of the citizens in the United Kingdom. But here again, a very important proviso was added that wherever the powers of detention had to be exercised they had to be exercised only by the Home

Minister himself—the Home Secretary—and by none other, and it was he, as the House is aware, who was very often called upon to justify cases of detention where public controversy was roused. There also was the provision for advisory committees, and the Home Secretary on various occasions announced his readiness to place all available materials before the advisory committee and even allowed the person detained to appear before the advisory committee and place his viewpoint there. In America also, in times of emergency detention without trial has been resorted to but a distinction has been made by a large number of distinguished Judges of the Supreme Court and also the spokesmen of American public opinion that the detention must be a preventive one and not a punitive one. In fact, as one Judge gave an illustration, supposing there are some people who want to do sabotage and want to do away with the railway lines, you cannot wait until you move a court of law,—you can go and put the man under arrest, under detention, and then as soon as possible place the matter before a third party. Here the principle of reference to a third party is a very important one because what after all do we propose to do in cases such as we are discussing here? The prosecutor, the accuser and the judge are to be rolled into one like the fiddler, the physician and the buffoon all rolled into one, and therefore the demand has been made in those free countries that a third party must come in and decide—it may not be a court of law if the circumstances are of an abnormal nature, but yet a third party must come in and decide whether the executive has acted properly or not. In fact, as one British authority observed in a case, if X says that he thinks Y is suffering from a broken ankle, it will not do merely for X so to assert, but Z must come and say that actually the ankle is broken. Therefore, it is not for the executive merely to say that somebody has gone wrong, but whether the man has gone wrong or not must be gone into by an independent body.

The hon. Home Minister in his opening speech referred to a certain document which has been circulated, signed by a number of individuals. There are certain remarks made in that

document about the fallibility or otherwise of Parliament, but I shall leave that point for the time being. But even if you look at that document, who are the signatories? In fact, I could not follow when the hon. Minister was speaking about the identity of all the names, but the fact remains that some of the persons who signed it are not Communists, they are not supporters of any violence, and there are some also who may not have taken any active part in politics. It is people like that that have signed it. There are some, of course, who are associated with Communist associations....

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Why is it that these gentlemen are so apprehensive of the continuance of a measure like this? We do not want to hold this discussion in an atmosphere of abuse. It is a very serious matter. The Constitution provides that Parliament may enact a law which may do away with judicial trials. Preventive detention is provided for under the Constitution and Government have come forward today with a Bill for the purpose of continuing the existing Act. We have therefore to penetrate into the minds of our critics and our opponents as well and find out what motives impelled them to oppose such a measure and what are their fears. The Home Minister I know is a born democrat. He has faced many storms in life—not only faced but weathered them too. But he made, if I may say so, a slip the other day when he doubted the intelligence of the common man. That is the way in which not democrats but dictators usually express their doubts, and it is rather remarkable how the same line of argument has been followed by many upholders of totalitarianism and dictatorship—I know Shri Rajagopalachari would not like to live in their company—and some of them have been washed away by world events during the last few years. If I may read one or two lines from the book which I have in my hands, it gives us an idea as to how we have to proceed with caution when we deal with a measure of this description interfering with the personal liberty of the citizens of our new-born Republic. This is a book entitled *Law and Order* by C. K. Allen, who is not a Communist writer but a Professor of Jurisprudence in the



University of Oxford and who is well known for the way in which he has dealt with questions relating to law and jurisprudence.

I have dealt with this general aspect for this obvious reason that occasions may arise when special laws may have to be formulated. We stand for a rule of law. That is the essence of our Constitution. Those of our critics who come and say that we have abrogated the rule of law have not read our Constitution. No doubt, we have made provisions in our constitution which give ample powers to Parliament to enact special legislation whenever there is an emergency. A suggestion was made the it will be much better for us to proceed under the emergency provisions rather than pass a special measure like this. I join issue there. If you declare a state of emergency even for a restricted area, it means that the provisions of the Constitution are completely suspended barring the functioning of the High Court. I would certainly be reluctant to resort to such a provision unless there is a real emergency either in the whole country or in any part of it. This Bill is of a limited character. It does not extend to any particular area or to all persons residing therein. It only affects certain classes of offences and of individuals.

Bearing these observations in mind, may I turn for a moment to Section 3 of the existing Act and ask the Home Minister if he has satisfied himself—he says in his note that he has considered the matter very carefully—so may I request him to state whether he has satisfied himself as to the need for continuing all these classes of offences mentioned in Section 3? I may just draw the attention of the House to the comprehensive character of clause (a). It includes, “acting in any manner prejudicial to the defence of India; the relations of India with foreign powers or the security of India, or the security of the State, or the maintenance of public order, or the maintenance of supplies and services essential to the community” and then there is a sub-clause with regard to a foreigner whom we may desire to evict from India. If we look at this Section, it is an all-embracing one. The reason which was given by Sardar Patel when he introduced the Bill last year was

that in view of the possible interpretation to be made by the courts after the promulgation of the new Constitution, it was desirable that such a sweeping provision should be made so that there may not be any difficulty created by reason of persons being released from jail due to judicial decisions. That was the argument a year ago. But what has happened during the last twelve months? It should have been expected that Government would have come before the House with fuller details as to how many persons have been detained under Section 3 and for which part of Section 3; in how many cases was there reference made to the Advisory Board; where there was no reference made to the Advisory Board, was any procedure followed by government afterwards for consideration of those cases and lastly how many had to be released under orders of the court? If we could have obtained such definite information with regard to the working of the Act, then and then alone would it have been possible for us to decide whether Government is justified in keeping Section 3 as it was in the original Act.

Now, the provision is of a sweeping character—the words are: “if Government is satisfied that X is acting in any manner prejudicial to the relations of India with foreign powers”—if you utter some words about some foreign country, they may amount to a prejudicial act. For instance, take the speech which the hon. the Prime Minister delivered yesterday relating to Kashmir and which we all liked as an expression of clear and emphatic opinion on behalf of Government. If an outsider speaks in that strain, it certainly affects our relationship with Pakistan and it is of a prejudicial nature. Then take “maintenance of public order”. Even the author of the Hindu Code may thus be regarded as doing something which affects public order, since there is so much opposition in the country.

Let us seriously ask ourselves what is it that this Act wants to do? If, as Pandit Bhargava says, anyone is apprehended to be committing some maintenance of public order, then you act which may interfere with the maintenance of public order, then you can go and detain him, then, obviously, you can arrest any-

body. But that is certainly not the purpose for which the Act was framed. If a man commits an offence, prosecute him under the existing law and put him for trial before a court. No one suggests that if a good man commits a bad act, he should not be prosecuted or proceeded against. Whether a man is good or bad does not matter in the least. But the whole point is if a man commits an offence, or attempts to commit an offence, or abets in the commitment of an offence, then the ordinary law is there and he will have to go and face his trial before a court of law. That is what we understand to be the rights given to us under the Constitution—what any citizens may be entitled to in any civilised country. But here what you are saying is this, that you want us to arm you with a special law in order to prevent certain persons from doing certain acts which may be against the interests of the society. Now obviously the danger comes in here. How will you know what a man is going to do unless he does some overt act, or unless he makes some preparation? If you say that you can enter into his mind, then you will have to enter into the realm of psychology—normal or abnormal,—and it would be impossible for you to function as a Government which can be entrusted with the lives and liberties of its citizens. Has it not been found unsafe to proceed on the uncorroborated evidence of spies and informers? Now that is the reason why in every civilised country the demand has been made that if a man is to be arrested, he must be put before a court of law which will consider the evidence given against such individual and come to such decision as is right and proper according to the law. If you feel that your present laws are defective and offences are being committed in the country which cannot be covered under the existing laws, then you amend the substantive laws. We can consider that matter separately. If you feel that new offences are being committed in this country for which no provision in the law exists today, by all means add to the provisions of the Indian Penal Code or of the Criminal Procedure Code, or proceed in whatever way you like. But you have no right to expand your executive jurisdiction by arresting individuals and keeping them detained without trial simply because you say you apprehend that they may commit

some offence which comes under the wide provisions of section 3 of the Act.

What is the nature of the apprehension in the minds of the people? The Act has been working for the last one year. People today are suspicious and some hold the view definitely that the provisions of the Act are being unjustly applied. That is the fear.

The jurisdiction of the courts has been taken away by the operation of this Act. The Supreme Court has held that barring one section of the Preventive Detention Act, which has since been removed, the rest of the Act is not *ultra vires*. At the same time it would be interesting to know how many hundreds of people have been released by the Supreme Court and by the High Courts of India in different States, because they felt that the provisions of this Preventive Detention Act were not fulfilled? We would like to know from the Home Minister what steps were taken in respect of such cases, against persons who were responsible for initiating such detention. Obviously, the matter proceeded on the report of somebody. Were those persons dealt with administratively, who, according to the judgement of the Supreme Court or of the High Courts were responsible for the unlawful arrest of citizens of India? We would like to know it from the hon. Home Minister because there is none in this House and there are few outside who would accuse the Minister here of any deliberate plan to get hold of any individual or groups of individuals for political vendetta. At the same time if the law has been violated and people have been arrested and detained according to the judgement of the highest tribunal in the land, unlawfully even under the existing rigorous provisions of the Act, what is the answer which Government can give?

I have got with me two judgements, one of the Supreme Court and the other of the Punjab High Court, dealing with some cases of detention. Of course, in both these cases the Supreme Court did not hold that the detention was illegal, because it had to act under the provisions of the Act.

The Home Minister said on the opening day that the Bill was

really intended for those persons, parties or groups which were wedded to secrecy, to violence and to trickery and wanted to seize power by these methods. Here I would like to make my own point of view clear. While I do claim that no restriction should be imposed on individuals or on parties or groups who carry on their normal activities, political or economic, and by this means alone can democracy exist and expand in India, yet I do feel that the best interests of the country require that there should not be any organisation in the country which is wedded to violence or which wants to attain its objectives through violent methods. That is a point on which public opinion has to be educated, and that is the responsibility not of Government alone but of all responsible people.

It is very often difficult to appreciate what exactly is the policy of a party and for that purpose information may not be readily available either before the Government or before the people. But if Government takes this stand that it will stamp out all activities of a subversive nature which aim at working secretly, trying to seize power by such methods—if that is the policy of the Government—then, even that policy must be followed consistently:

Which is the political party today in the opinion of Government, which follows that line of action? The Home Minister referred specially to the Communists. If there is evidence that the Communists, not as individuals but as a party, are wedded to this line of action, then why not ban the Communist Party for the whole of India? What stands in the way of Government from doing so? Because, then you will not only be serving the interests of the country as a whole but you will also be serving many people who through ignorance may support the Communist Party. If you declare that you have this evidence—as indeed publications issued by Government from time to time so indicated,—and if you still believe that they are pursuing a line of policy which debars them from the privileges to which the Constitution entitles ordinary citizens, then an effective decision should be taken and a call should be sent to all sections of people to stand by Government. But you do not

follow such a policy. On the other hand you applaud also, many a time, the methods they pursue elsewhere—they may be good, they may be bad, I am not dealing with them—but you do applaud the grand manner in which the Great Revolution has taken place in China. That has not taken place on the lines which Government want to protect under the Preventive Detention Act. People just took the law into their own hands and did it. You cannot go on applauding these great events which are happening in different parts of the world and at the same time say you are going to crush this, that and the other point of view in your own country.

I have my doubts, specially after seeing the operation of this Act in the last twelve months as to how far the very object which Government have in view will be achieved by a measure of this description. Such a measure is at best a temporary one. It has been accepted as such in every country the Government of which felt compelled to promulgate such drastic laws; for the time being Government want power to keep people under detention so that Government may proceed in other directions as well. Today we have got to look at this measure from two points of view. One is, has it worked—how has it been applied during the last twelve months? The second is, will it work in future?

So far as the first point is concerned, about ten or twelve thousand people were detained, I believe, during 1950. How has that affected the general atmosphere in the country? The Home Minister knows better than many people how the detention of an innocent man affects not only that individual but his family, his friends, relations and also the public which is near him. That was our experience when the Detention Acts were operated during the British regime. In fact it drove the entire movement underground. The methods of terrorism which were adopted in India in my opinion were largely due to this short-sighted, arbitrary and ruthless policy of repression which was pursued by the British Government in those days. They did not deal with the actual disease, they were anxious to deal with the external symptoms only. Here also shall we not ask

ourselves this question? Many of these men who are Communists today, I daresay, are known to many Members of this House, as I also claim to know a number of them, brilliant men, men educated, men who have suffered in the country's cause, men who were companions-in-arms with those who may be in position of power today. What has happened to them? Why is it that they have run amuck? I would like to know from the Home Minister when he deals with a measure of this description as to what is the constructive policy of Government (a) to reach the minds of the people today who are dubbed as the great disturbers of India's peace and prosperity, (b) to deal with those vital problems the failure to solve which today is breeding Communism in the country. You cannot kill Communism merely by any Preventive Detention Act. You cannot stop chaos in the country by the Preventive Detention Act. What is the reason for these rumblings today? Why are people so dissatisfied? Why is it that people who swore by those who are in power today, whom they acknowledged as their leaders, based not on force but on affection—why is it that their position in the country is being challenged? It is not a question of views or counter-views. It is not a question that Government alone has failed. We have all failed. We as Members of Parliament have as much responsibility in this matter as Government have. Why is it today that we are unable to control the minds of the people who are moving towards the direction of chaos or disturbance? Of course, the main answer must relate to the economic situation and misgovernment. Until and unless we are in a position to solve the economic problems of the country, at any rate, unless we are able to make the people realize that we are on the right path, there is no possibility of our tackling the situation by Preventive Detention Acts. How many people are you going to arrest? Ten thousands you have arrested, you may double that number, you may make it four times, you may make it ten times and your jails will not also accommodate more than double the number that you have arrested today. Is that how India is going to be governed? Is that the message that the Home Minister brings before the House and the country today? There may be some persons

amongst the Communist Party who are tied to foreign countries, who feel wrongly according to us, rightly according to them, that that way lies the salvation of India. We do not share that view. We do not share this opinion in any manner whatsoever, that India's destiny will lie in making herself a tool either in the hands of one bloc or the other bloc. India has been India, will be India in future also, and we will have to develop our own philosophy and our own approach towards the solution of the big problems which we as a free country have to face today, but for that, you will have to give the people an inspiring message and slogan. As one of the most distinguished elder statesman of India today, I would specially ask Shri Rajaji to consider this aspect of the matter, to give a new hope to the people, so that they may come away from the evil clutches of those who want to lead this country astray and also give some indication of the right path towards the solution of those great economic problems which are threatening the very stability of the country. Forcible suppression of views or persistent failure to redress wrongs will gravely worsen the situation. I have seen how the Preventive Detention Act has operated in the case of people, who are in ordinary villages, illiterate men, affected by your procurement policy. The hon. Home Minister said, that today there are people in the country who want to exploit the food situation. Do not think of the exploiters alone. How are you exploiting the situation which has arisen in the country? Why are you creating a situation such as others may exploit.

I was moving in some areas a few weeks ago where procurement was taking place, procurement of rice and grains at certain fixed rates. Those rates were considered unfair by the local people, who are poles asunder from Communists and Communism, but who wanted to lead decent lives as free citizens of India. They thought that they could not possibly give up their grains at the price at which they are asked to give or the quantity which they were asked to give. They are protesting. They are holding on to something which they consider sacred, because on that depended their very existence. Their pleas go unheeded. May be there are some people who were actuated



by political moves, but what is the result? You go and arrest some people under the Preventive Detention Act. Does this solve any problem? It accentuates it, because the people living in that locality immediately become anti-Government and they become an easier prey to Communist preachings because those who wanted to create troubles now came forward and said: "Look at this, this is your fate and you should stand up to it."

We should not forget the cardinal fact that today for some reason or other, the country is suffering from very deep frustration. I do not mind the difficulties or particular problems, however enormous they may be, for they do arise in the lives of nations; but when people generally feel that they are unable to come out of the existing condition of things and that there is no solution, then comes the danger signal. People come and carry on the agitation that nothing can be worse than the present state of affairs. and men become desperate and reckless. It is that situation which today pervades—I shall not say in all parts of India,—but there are ominous signs of such development of feelings of acute discontent, not necessarily entertained by people who are Communists or anti-Government but somehow they feel distressed and oppressed by the way in which things have been moving in this country due to inefficiency and failures of Government. What is your solution to this cardinal problem on which the peace and prosperity of India will depend. Not certainly the Preventive Detention Act. That is one aspect. The other aspect is an examination of the working of the Act for the last one year.

I have here the judgment of the Supreme Court in the case of Shri Ashtosh Lahiri, who was Detained under the Preventive Detention Act by the Delhi authorities in April last. Here the Supreme Court could not interfere but the judgment of the Supreme Court leaves rather a bad taste in one's mouth. This gentleman was arrested when he came here in March 1950 and then the grounds were handed over to him. One of the grounds mentioned there was that his activities in West Bengal have been of an undesirable nature. But he was not arrested

under the orders of the West Bengal Government. He was arrested under the orders of the Delhi Authorities. The Supreme Court went into the matter and the grounds were these: "You came to Delhi on 27th March 1950 and held a Press Conference in which you gave a highly exaggerated and communal version of happenings in East Bengal." Now the proceedings of that Press Conference were banned by Government and so nothing was published in any newspaper. That was the first ground. Then, "It is understood that soon after the Press Conference your activities have continued to be of a nature inciting communal passions. It has also come to notice that your activities during your stay in West Bengal have also been of a communal nature. Your activities in the present atmosphere of Delhi where communal riots took place in March 1950 as a result of the intemperate statements made in the public meeting (He was not present there) are really to create hatred between the different communities, which will lead to disturbance of public peace and order."

These were the grounds on which he was arrested. Then, the Court considers the matter and I do not propose to read the whole judgment but the relevant portions. The Court was asked by the petitioner to hold that his detention was *mala fide*, that there were no reasons for his detention and he was being detained on account of his political opinions. As you know, there are other people who came to Delhi and who were externed, but this gentleman was specially selected by the Delhi Administration to be kept under detention. There are provisions in the Criminal Procedure Code which could be invoked for the purpose of removing those gentlemen from Delhi. As a matter of fact, persons who were expected to take a leading part in the same meeting were externed from Delhi. The judgment says:

"It is somewhat difficult to see why a different treatment was meted out to the petitioner and he was consigned to detention in jail for an indefinite period of time. There could be no better proof of *mala fides* on the part of the executive authorities than a use of the extra-ordinary provisions contained in the Act for

purposes for which ordinary law is quite sufficient. Though I am unable to hold definitely that there is want of good faith on the part of the authorities, the case is certainly not free from suspicion. I can only hope that the authorities will take care to see that no instances occur which might savour of injustice or oppression through misuse of those extra-ordinary powers which Parliament has vested in the executive in the interests of the State itself."

A similar judgment was also delivered by some other Judges in the same case.

The story is not complete. The judgment was delivered on 19th May 1950. In spite of the observations made by the Supreme Court that they could not hold that Government acted *mala fide*—it is an extremely difficult matter actually to say that Government acted in a *mala fide* manner and the onus lies very heavily on the person who makes such an assertion—no step was taken to release this gentleman until some time in July, that is, two months after the judgment of the Supreme Court. Meanwhile, early in July, this gentleman filed another petition before the Supreme Court enclosing a letter from the West Bengal Premier's Secretary stating that the West Bengal Government has nothing to do with his detention, and that it never recommended any such step being taken. In the grounds which I have read out, there was a clear statement that one of the reasons why he was being detained was his activities in West Bengal. When this petition was filed in the Supreme Court,.....enclosing a copy of the letter from the Secretary to the Chief Minister of West Bengal, after a few days, he was released by the Government of India. This is one case. I have got a number of cases....., The Punjab High Court released a number of people. The Bombay High Court released Mr. Bhopatkar. Mr. Ketkar and others. The High Court of Bombay asked the Advocate General: what are the grounds for which these men are detained except that they are members of the Hindu Mahasabha; for this purpose you cannot detain them. Because no grounds could be given although for months they were kept under detention under this Act, the High Court

ordered their release. Even today, there are three persons detained in Delhi, Prof. Ram Singh, Balraj Khanna and Ramnath Kalia who were arrested on 23rd August 1950. The grounds which were given to them are as follows:

"In pursuance of Section 7 of the Preventive Detention Act, you are hereby informed that the grounds on which the detention order dated August 22, 1950, has been made against you are that your speeches generally in the past and particularly on the 13th and 15th August 1950 at public meetings in Delhi have been such as to excite disaffection between Hindus, and Muslims and thereby prejudice the maintenance of public order in Delhi and that in order to prevent you from making such speeches it is necessary to make the said order."

The ground is that these three gentlemen made two speeches on two days which were considered as objectionable from the communal point of view, and that is the reason why they are detained under this Act. If they have made speeches which offend some provisions of the law, they have to be arrested on such a charge and put before a court of law. When the matter went to the High Court, the High Court said that it was unable to interfere under the existing law because some grounds have been given which the authorities considered to be adequate. Therefore, they said that they were not able to help. They are still rotting in Delhi;—seven months have gone—on a charge of having made two speeches in Delhi for which Government dare not put them before a court of law for trial. It is not a question of any State Government; you, here, in Delhi have proceeded under the provisions of the Preventive Detention Act in this arbitrary manner.

I do not, as I said, wish to multiply these instances. The other day, the Supreme Court released about twenty detenus from Assam and the remarks which the Judges of the Supreme Court made amply repay a perusal. They have been asking the Advocate General, "Give us the grounds why you have detained these men; even if you cannot give us the grounds, at least say that there are grounds which you will not disclose in the public interest and then the four corners of the law could be

satisfied; but, if you cannot say anything, obviously, we have to release them". Is this the manner in which either the Home Minister himself or Parliament here will desire that the liberties of the citizen should be played with?

The Home Minister said that he would like these provisions to be applied to those persons or to those groups of individuals or parties who were wedded to violence, trickery, secret attempt at seizure of power. If you really say that that is your requirement, I would beg of the hon. Home Minister to amend section 3 and make it impossible for any executive officer to play havoc with the liberty of the people.....to arrest whomsoever they desire to arrest and for whatever reason. Let Government make up its mind as to what powers Government wants. Obviously, Government must have some materials before it which would entitle Government to ask for such executive authority against particular cases, and then you can concentrate on those cases. If after that you feel that there are some offences which are being committed in the present set-up of the country which are not governed by the existing Penal Code or the Criminal Procedure Code, you come forward with specific proposals for amending those laws and adding more offences. This dangerous pastime of arresting people and keeping them without trial must not be pursued and if it has to be pursued, it should be pursued only in the national interests, as a temporary measure, and meanwhile other remedies for the purpose of solving the basic problems have to be pursued.

A question was raised about essential supplies and services. I know that there is a genuine demand not only from many Members of this House, but outside also, that those who commit offences of that character, no matter what their position in life may be, are dangerous persons and have to be properly dealt with. That is one aspect of the matter. But let us not make a confusion about the desirability of giving heavy punishment to the black-marketeters and to others who may be interfering with the present position of supplies and services with regard to essential commodities. Let us not confuse that with the principal question which is the subject matter of our discussion today:

What are the circumstances under which Parliament can delegate to the executive authority the power to arrest and keep people without trial. If blackmarketeers and others come within the framework of this Bill, naturally they will have to suffer the consequences. But you cannot follow a policy of black-mailing even with regard to the so-called blackmarketeers. That also is a dangerous past-time. You catch hold of some people and say that they are blackmarketeers and therefore you throw them into prison. Somebody has to say specifically whether one is a blackmarketeer or not. You do not want to imprison innocent individuals. So long as you want to proceed under these special provisions, you have to proceed with extreme caution.

It has been said that we cannot tolerate offences against the State. When, the State sometimes becomes a very illusive and undefinable term. It has neither a body you can kick at nor a soul you can damn; at the same time, in the name of the State, you can claim to do many things. We have to make a distinction between the Government which is functioning as a party Government and also the interests of the community or the nation at large. The question was raised that an Act of this nature may operate very heavily and harshly especially during election times. Now, that is an aspect of the matter which also should be considered very carefully. If you have the power to detain anybody you like, even if they go before the Advisory Board and put up their point of view, at least few months will elapse before any remedy can be sought for, and then obviously you can create a state of affairs which may not be considered desirable by anybody.

Therefore, I shall conclude by suggesting to the hon. Home Minister that in the first place, let him place all the materials before Parliament and tell us what classes of people he would like to proceed against. I do not for a moment minimise the existence of groups and organisations which want to proceed on violent methods. To-day, a strike has been declared in the Calcutta docks. I do not know whether the hon. Home Minister is aware that only a fortnight ago the workers of that dock had been handed over to a union which is controlled

by the Communists. What is the policy of Government? That is very difficult for us to understand. Government knew of the dangers; Government held a conference in Calcutta about a fortnight ago, there was a general feeling that this recognition should not be given, that nothing should be done which may encourage the hands of those who want to create trouble in the Calcutta docks. That is a nerve centre; you can paralyse the administration not only of West Bengal but also of the whole of India. But recognition was given at the end and a strike has followed soon thereafter. And here today you pass the Preventive Detention Bill. Why not say against whom you want to proceed? If that is once settled you should come out with the whole story. Let the country know: say that the Communists as an organisation are following a dangerous campaign and they have to be crushed. Give the people and the country the call and tell them that you do not want to touch innocent people. Say that you want to keep these dangerous people outside the sphere of influence until the situation improves. Let us hear your clearcut policy and goal. Let the people know that. But this sort of wishy-washy way of doing things saying something today and doing something else tomorrow, saying that the ideology followed in certain parts of the world has served certain noble purposes, confuses people to a considerable extent. Say that India is suffering from a real danger from the Communist Party of India, in whatever form they may be functioning; and if you have the materials, come out with such a statement and the materials and place them before the House and the country and the country will judge. It has also been declared that many who were Communists now want to abjure the path of violence and want to function as a constitutional body. If that is so, then do not try to follow a method which will again get everybody mixed up on the same platform. If people today want to change, let them. After all who are these Communists? They are as much Indians as we are. They might be misguided. If you can turn them to the right path, do so by your constructive policy. But let Government come forward with a clear-cut policy based not on fear, not on imagination, not on hatred, but on facts and figures. That is my first appeal.

My second suggestion is to amend section 3. I accept the definition given by the hon. Home Minister in his speech and let it be embodied as a provision in section 3, that only in those cases will this Preventive Detention Act operate.

Then with regard to other matters I would like to add that these Advisory Boards should consist, not of those who are prospective judges not those whom the hon. Home Minister may be thinking of promoting as judges, but they should be either judges or ex-judges. And let these Boards look into the whole matter. Do not keep back anything from these Advisory Boards. That point has not been quite clear from the draft as we have it before us. Whatever material you have, place it before the Advisory Board and give a chance to the poor man, the accused, so that he may come and place his point of view before the Board.

If these changes are made by the hon. Home Minister on the lines of the speech which he himself has delivered, then at any rate, there will be less possibility of its mis-application. Of course, none would be happier than the hon. Members here, to see the day when India can be governed without any Preventive Detention Act.



## The Hindu Code Bill\*

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We have met here after about seven months to take up consideration of the Hindu Code Bill. Many things have happened during this period. If I may say so, it is a matter of some satisfaction that Government has kept its mind open and has volunteered to make amendments in order to meet criticisms which may be made either in this House or outside.

I believe never in the history of our country has a measure given rise to so much criticism in support or against it...

The clause we are discussing now is of a general character. It raises the question of the applicability of the entire Code and from that point of view I should like to make some general observations which will be of a relevant character.

The question has arisen as to whether this Code should be made applicable to Hindus as such or to such other classes of persons including Sikhs, Jains and Buddhists as have been mentioned in the amendment moved by the hon. Law Minister. The question has also been raised whether the Code should not apply to all citizens of India. I would certainly say that as the Chapter in the Constitution dealing with the directive policy of the State indicates, Parliament under the new Constitution has really been called upon to pass a Code which is to be applied to all citizens—an all India Civil Code. When this Bill was started to be discussed, we were working under a different set of circumstances altogether. It is therefore a matter of regret that the new Government even after the Constitution has been passed should proceed with a measure of this description

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\*Parliamentary Debates, 17 September 1951, Col. 2705-2724.

applicable only to one section of the community. It is said that we are a secular State. In fact we suffer very often from a new disease which may be called 'secularities'. How far is it open to Parliament—I am not raising any technical point—but how far is it desirable for Parliament to pass a law which will be applicable to only one section of the community? I know what the reply of the Law Minister is, because he dealt with this question in one of his previous speeches. He said that there was no difficulty in formulating an all India Civil Code if the country really wanted it. If that is the answer, then why not let us have such a Code? I doubt very much if some of the provisions which have been suggested in this Code can be proposed to be made applicable to other communities, in particular to Muslims. We are discussing the question of monogamy. I believe it is nobody's case that monogamy is good for Hindus alone or for Buddhists alone or for Sikhs alone. I believe those who are advocating monogamy honestly feel that this system is sound in principle and it should be made applicable to all—if not to all persons in this civilised world, at least to all citizens in India who are liable to be governed under laws passed by this Parliament. Now, why not have a separate Bill dealing only with monogamy and make it applicable to all citizens?

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I am not going to tread on this question because I know the weaknesses of the promoters of the Bill. They dare not touch the Muslim community. There will be so much opposition coming from many throughout India that Government will not dare to proceed with it. But of course you can proceed with the Hindu community in any way you like and whatever the consequences may be.

**Shri Rajagopalachari:** Because we are the community.

**Dr. S.P. Mookerjee:** My appeal to the House and to the Government should be on a somewhat different basis. I do not wish to make my speech very controversial.

**Shri Kamath:** Why not? Make it as controversial as you can.

**Dr. S.P. Mookerjee:** . . . . . I want to create that

atmosphere where matters affecting social reform can be discussed in a method of give and take. It is not a Press Bill which the Law Minister is sponsoring on behalf of the Home Minister. We do not want the Police to stand outside this Parliament to help the smooth passage of a Bill dealing with social reform. That does not really help anybody. Any Bill whose object is to introduce social reform must have the support of the vast majority of the people of the country.

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In any case, if we want to have social reforms in this country, we would like to carry as large sections of the people with us as possible.

I do not share this view that Parliament has no right to deal with matters of social reform. I know the sacredness of our ancient texts—*Vedas*, *Smritis* and *Srutis*. But historically there were commentators to interpret the great theories which are propounded by the original law makers in days of yore. Gradually, the commentators also disappeared and what we have witnessed during the last 150 years is that in many matters affecting social reform Judges including European Judges sitting in distant London and legislators have from time to time come forward and made alterations in the social structure of the country. So it is rather too late in the day for any one of us to say that Parliament should not now have the right to pass legislation which may interfere with the rights and privileges which may be enjoyed by the people of this country under the existing law.

So far as the right of this Parliament is concerned, naturally it is a very delicate matter. For me being a Member of this body it is rather difficult to challenge its jurisdiction, but of course so far as its right to present the will of the people goes, that is a matter which will be decided in the next few months and the people themselves will give their verdict. It is no use either for us sitting on this side or Members of Government sitting on the other side claiming for this Parliament things which may not be actually, honestly and legitimately claimed for this body. But my

point is this that today there is a volume of opinion—a strong body of opinion, against some or many of the fundamental features of this Bill. I beg of hon. Members who are supporting this Bill to appreciate the depth of these criticisms. There may be some features in this Bill with which I am in agreement, but I am trying to look at this measure from the point of view of those who are opposing it either in whole or in part. Just as we may appreciate the depth of the feelings of those who are supporting this measure, so also the depth of feelings of those who are opposing it must be appreciated. How to find a solution? From the papers we find that for strategic reasons it has been decided to omit the consideration of some portions of this Bill.

A sort of toss is supposed to have been taken. On the one side are marriage and divorce and on the other side is property and somehow marriage and divorce have won the day, and property has been relegated to the background for the time being.

Is it possible for us on the consideration of the amendments which are now before the House under clause 2 to devise some procedure whereby it may be left open to those who desire to come under the Code to take the fullest advantage of its provisions, and at the same time give freedom to those who do not believe in the sanctity or legality or justice of the provisions to continue to be governed by existing Hindu Law?

That is a proposal which I am making in a perfectly relevant manner on the basis of the various amendments ordered to be placed before the House for consideration.

I have been told by some friends that we are liable to criticism for our backwardness in many foreign countries. During the last few days I have been told that some people have come and said that in China they are watching when the Hindu Code Bill will be passed! In America some people are supposed to be watching as regards the progressive nature of the Indian people in relation to their attitude towards the Hindu Code....

Let us look at the American laws. I was trying to get some

information with regard to the American laws. I find that in 26 different States in America they do not allow marriage between Americans and Negroes and even they go to the length of indicating the fraction of African blood which will negative any marriage between an American and Negro. In some States marriage between an American and Chinese is prohibited, or a marriage between an American and a Mongolian. In practically all the States there are different marriage laws.—What about uniformity? I suppose people of the United States of America are getting on quite merrily and quite well without having complete uniformity of all marriage laws. So uniformity is not the last word on the subject. Uniformity suggests stagnation, deadness....

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I would suggest that we should follow the lead given by our own country. Now take again the Roman Catholics. According to their strict law, according to their religion, divorce is not allowed. But in almost all countries they have passed civil laws which allow Roman Catholics to adopt divorce if necessary. But they have not touched their religion. They have allowed that to remain separate, but those among the Roman Catholics who desire to be governed in accordance with the civil laws, it is open to them to do so. It is very difficult to get these laws. But whatever books are available in the Parliament Library I was trying to go through them and I find that a clear distinction is made between the two systems.

Now we are confining ourselves for the present to marriage and divorce. What is it that is worrying the so called progressives in this country, including progressive ladies? They are anxious that there should be a provision for divorce and there should be provision for monogamy. These are the two things on which great stress has been laid. Now let us take divorce for the time being. You have got your laws passed by the Indian Legislature which permit divorce. At one stage a Hindu could not get married under the civil laws, unless he declared that he was not a Hindu. Even that has been changed. A Hindu may remain a Hindu and at the same time contract a marriage which will be

according to his taste or that of the couple. Similarly, with regard to inter-caste marriage, you have already passed laws and made such inter-caste marriages permissible, without taking away the Hindu character of the persons involved. Even *sagotra* marriage which is considered to be very revolting by large sections of the people has been recognised by laws passed by Legislative Assembly.

These are indications as to how the demand for a progressive development—if I may say so—or marriage laws has been met by legislatures of this country. This is a subject which is placed in our Constitution in the Concurrent List and I believe Bombay and Madras have passed laws on the subject. There are several States where provincial laws have been passed in some form or another, making provisions which are consistent with the wishes of the people. Now the point is this. Why do you wish to make the new laws obligatory upon all Hindus? You do not wish that the system of divorce should be taken advantage of, or must be taken advantage of, by people against the will of the parties concerned. It is an enabling measure and that power is already in existence.

On the other hand, what is the blow that you are giving at the feelings of millions of people? Now you have kept, his form of sacramental marriage on paper. You have changed its description from sacramental to "*dharmic*" in order to give it a little oriental and attractive colouring. Of course, the substance has not changed. I would ask very seriously those Members of the House who are supporting this Bill: What is it that you are achieving by this proposal?

So far as sacramental marriage goes this is an ideology which lies deep-rooted in the minds of millions of people—educated and uneducated, literate and illiterate—the indissoluble nature of Hindu marriage. That is a matter of religion; it is not a matter of mere body and flesh. Now that is a feeling which lies deep in the minds of millions of people and I have talked to many people not only in my own province but in various parts of India. People who have not the remotest chance of taking advantage of any divorce law for various

reasons are simply shocked at this idea and many people who are well-intentioned, who are reformers suggest that if there are Hindus in the country today who want to take advantage of the modern system of divorce or want to do away with the religious nature of Hindu marriage, there is enough opportunity given to them under the existing law. If, however, the law has to be revised in order to make them ultra-modern and completely up-to-date, let the law be revised for their benefit. But why do away with the fundamental and sacred nature of Hindu marriage? What is it that you gain thereby? I have not been able to get any satisfactory answer to this question. Because it is nobody's case that the new methods which are being laid down will be compulsorily adopted by all Hindus. Obviously that is nobody's case. Therefore, if option is given and if people take advantage of that option, naturally your case is won.

I was told that even in India, as India is today, there are nearly about 90 per cent among *Shrudras* amongst whom some form or other of divorce or dissolution of marriage exists. Very well, then the answer is there. You have got your Hindu Law which provides for the dissolution of marriage in castes and communities where it is wanted. You may say, well, why should about 10 or 15 per cent of the Indian population stand against these changes? It is not a question of anybody's standing against the changes. If you want to go ahead or go backwards—whatever it may be—you are welcome to do so. But why drag others who do not believe in you and also who believe in something which is perfectly morally justifiable and in accordance with the highest standards of human conduct? I have not been able to get any answer to this fundamental question.

We are told very often that our system is backward. I have got with me many extracts from the writings of great Indians and great Western scholars who have admired at the way in which Hindu society has carried on its existence in spite of tremendous odds and difficulties. I am not for a moment saying that all is well with Hindu society. I know where the defects lie. But it is something amazing, something unprecedented that our

religion or the great truths on which Hindus for generations past, for thousands of years, have lived, somehow have shown a degree of adaptability and vitality which is hardly to be witnessed anywhere else. What is the reason? The reason is that whatever truths were propounded by the ancient sages or *rishis*, or commented upon by those who came after them, were not dogmatic in character. Just as the needs of the society changed, so also the laws were altered. In a huge country like India which is one politically today—and we would undoubtedly like to see that it grows politically, socially, culturally and economically as one solid nation—at the same time we cannot forget that in this country dwell thousands and thousands of people in various parts, in towns and in villages men educated, uneducated, men with vision and with no vision, and they have built up a structure of their own consistent with individual and social progress and welfare. Somehow that society has developed. Do you find any other country in this world where in spite of tremendous onslaughts the social structure has remained one?

India passed through seven hundred years of Muslim rule. Now, many theories were propounded during that period which in the context of today's circumstances may appear to be rather conservative. But they were dictated by considerations for the preservation and consolidation of the society as such and that is how those particular principles were propounded by the masters who were in no circumstance less qualified to speak on matters with which they dealt than any of us sitting in this Parliament today.

From time to time movements came into this country. Reference has been made to Brahma Samaj, to Arya Samaj as soon as it appeared that the society was becoming stagnant, was becoming conservative, some outstanding personality raised his head in this land and drew upon the great sources, the fountain head of Indian knowledge, the *Vedas* or the *Upanishads*, gave their own interpretation and thereby tried to check the growth of the evils of conservatism or the moral decay of the society. But what has happened today? The



ideology for which the Brahma Samaj stood in this country, say, about a hundred years ago has practically been absorbed by the Hindu society as you call the Hindu society today.

The other day we were discussing about Buddhism, a matter on which Dr. Ambedkar naturally would be the best authority to speak. But in any case some friends from outside India came. I have something to do with the Maha Bodhi Society. I happen to be its President, without being a Buddhist. I am a Hindu and yet I am its President, because I have liberality enough to admit the greatness of Buddhism and yet remain a Hindu. The point I was about to develop was this. There were friends who came from outside India and they asked with a tone of complaint, "Well, India was the land of birth of Buddha, but India killed Buddhism". I do not wish to go into those controversial matters now. But one point comes out very prominently and that is that when Buddha started preaching his great doctrines India needed Buddha, not only to save the world but to save India. And Buddha succeeded in checking the growth of certain tendencies which were about to destroy the very life-blood of Hindu civilization. Buddha has been absorbed by the same Hindus as an *avtar*. Although there were people in India who fought with Buddhism—whether they were right or wrong is a matter into which I need not enter now—but gradually it was realized that Buddhism was a factor of growth on Indian soil and had to be absorbed in Indian culture.

So far as Buddhism is concerned it went and spread in other countries. But the tenets of Buddhism were gradually absorbed in Hindu ideology. The reason why I am saying all this is to show that we should never tolerate any criticism from any quarter especially from a foreign quarter when they say that Hindu civilization or Hindu culture has been of a static nature or of a stagnant nature or of a decadent nature. There is something in our culture and civilization which is of a dynamic character and which has lived from generation to generation. Even when India was a subject nation people were born in this country, men of our soil, who stood up for great ideals which gave a new lease of life under new and modern conditions to

the eternal tenets of Hindu civilization. This code is destroying that fountain-source. I shudder to think of the effect of clause 4. You read clause 4 of the Hindu Code. You are closing the door there. You are saying that except such manners or customs which might have been recognized in the body of this Code, everything else will be taboo from today. It is these manners and customs, based upon the ancient ideology, which allowed the Hindu society to grow and prosper from time to time.

Today, this great Assembly—and all of us are honourable and learned men—is solemnly deciding that we are the fountain-head of Indian religion and Indian culture, and whatever we decide to embody in this Code is final for the time being and nothing else will be allowed to be looked into by judges and courts. Does not the House know that even in 1951, after the attainment of Independence, our own Supreme Court had to draw from the original texts or their interpretations and give their verdict on cases where questions of Hindu law were under consideration, because they could not get any analogy from judicial decisions or text-books? You are killing today the very fountain source of your religion which had given such a wide scope to generations of people, to make it a living reality and you say that it is a forward measure; it is a backward measure; it is a measure which does not help anybody at all; it only helps in dividing the country. I do not wish to ascribe any motive to anybody. Anyone who may be supporting it or proposing it may be acting with the highest motives. I am prepared to admit that but what I would like to say is this: Do not give compulsory effect to the provisions in respect of all people. Divorce is not compulsory but the breaking away of the sacramental ties of Hindu marriage will be compulsory and that is bad enough. Whether divorce comes or not is a different question altogether; you are violently changing customs and convictions. Somebody said, that south India was specially progressive and many of the laws which we are considering are already in existence there today. I say good luck to south India. Let south India proceed from progress to progress, from divorce to divorce. I have absolutely no quarrel with south India,

but why force it on others who do not want it. In fact I have got a letter with me. I received it only two days ago—it is a postcard and I do not know the gentleman who wrote it.

Here is this gentleman who writes:

“The Bill as published on the Hindu Law contains a provision rendering the marriages between a girl and her maternal uncle void as being within the prohibited degree. The aforesaid custom is widely prevalent in Andhra and Tamil Nadu and even Brahmins considered maternal uncles of girls to be the most eligible and suitable bridegrooms for their girls. The prohibition is not known perhaps to lawyers and to others. I am sure that the vast majority of our people are ignorant of it in which case marriages celebrated in ignorance of this provision would operate as a severe hardship. I therefore request you to move an amendment... .”

I do not know why they had selected me in particular and not written to Dr. Ambedkar—

“...saving the custom from the prohibition or fixing sufficient time to elapse before the chapter on marriage, can be brought into force.”

This is just by the way for those who were talking about the progressive nature of the people living in those territories. Naturally they have gone very far ahead.

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It is only a point of view. I am not challenging the wisdom or unwisdom of any State. It might have been followed by lakhs and millions of people in this vast country. Naturally customs might have developed in a particular manner. My proposal boils down to this. You do not make this Code applicable to all—I am talking of marriage and divorce for the time being—but leave it open to those who will be married in future to make a declaration that they would like to be governed by these provisions and not be governed by the consequences of *dharmic* marriage; you leave it open to them to do so. That covers the cases of those who come in future. We are not legislating. I suppose for the purpose of helping the dissolution of marriage of the existing Members of Parliament. We are

looking to the future; we are thinking of handing over something to the future generation, whereby they can live in peace and with greater comfort. But supposing you want to apply it to those who are already married....

There also you can make a provision. Supposing you want to apply it to all who are already married, there I will give a solution. You leave it open to anybody, say, within a period of one or two years to register his decision whether he would like to be governed by this Code to opt for it, if you can use that language.... Well, 'everywhere' I do not approve for this reason that you are deciding something for others for which you have no right today. You are passing a law whereby you are saying that the *dharmic* form of marriage will continue as now without any modification or alteration and the other form of marriage also is open to people who would like to take advantage of it. Let the people in future make their choice. There is no compulsion and for existing people you may give a time-limit or you may not give a time limit. You can say that if any particular party desires to be governed by the provision of this Code, such persons may make a declaration before the Registrar or Registrar-General or Director General or whoever he may be and get the relief as is provided for in the Code. I ask in all seriousness what is it that you lose thereby? What you gain thereby is that you do not break the unity of the country. You destroy the indissoluble nature of Hindu marriage which is regarded as solemn and sacred by millions of people. Many people in this House may not agree. I am not quarrelling with those people who believe that marriage is bilateral arrangement, that it is nothing but a matter of contract: I have nothing to say against them if there are people who hold that view. Let them hold it, but there are those who hold the contrary view, who genuinely and sincerely believe that this system which has been in vogue for thousands of years is something sacred something deep-rooted in their traditions and religion. What right have you to sit in this House and say that you want by one stroke of the pen to take this great right away?

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Believe me, rightly or wrongly, this country has been divided tremendously on this Hindu Code Bill, I do not wish that that should be so. I want that we should go on progressing and making reforms in our social structure. But, we will do it in such a way that we can carry the bulk of the people with us not carry them by force in this House or carry them by threads of sweeping agitation outside, but carry them by appealing to their logic and to their conviction.

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I have discussed this matter with many people who represent his point of view and others who are not orthodox. Somehow, the country is divided today. How to proceed in the matter? As I said, it is not a Press law, that something is in danger and so you must go and pass the Press law somehow and operate it. This is not an amendment of the Constitution. It is not a political matter. In fact, we may differ on matters of politics. But there should be a fundamental agreement with regard to the need for introducing reforms into our great country, which will make our civilisation more progressive and more advanced. That should be our common ground of approach. Those who are following the existing practices, those who are abiding by the provisions of the existing laws are not retrograde. The tragedy is that many of the supporters of the Bill, who have been carried away by their notions of so-called progress and advance, in their exuberance think that what they think is the last word on the subject, that they represent progress and the others are retrograde. That is very unfortunate. We should see the other man's point of view, the point of view of man who believe in the existing ideology, unless it can be pointed out that something is happening in the society which is absolutely rotten, immoral, backward. If that could be pointed out, I am at one with Dr. Ambedkar and those who want to introduce reforms. But, if it is a mere difference of opinion, a mere difference in outlook, and you get whatever you want for those who share your point of view, why then do you force your opinions on millions of others, who do not share your view? That is a point of view which I would very strongly urge before

the Law Minister and Government. If I had given you a formula which indicated an abandonment of the provisions of the Code for those who believe in it, you can blame me. But, I wish you godspeed; go ahead; do whatever you like for those people who believe in the ideology which you are preaching here. But, in respect of others who and whose forefathers had proceeded in accordance with the old traditions and who are no less patriotic Indians than any one who is sponsoring this Bill, why do you force your opinions on them?

Talking of divorce, has the law of divorce solved all social problems in countries where the system of divorce is now in existence?

I have been going through some of the recent books on sociology. People are perturbed, because this is a complex human problem. The world has not found a solution to these problems. Those who have taken to the system of divorce, their number is leaping up. Do they find peace? Have they found happiness?

On the other hand, new problems have come up. Read some of the latest books on psycho-analysis. There, it is clearly pointed out that many of the evils which face the western countries are due to the mal-adjustment of the sexes. These are complex problems. Why blindly copy something from the west because some people from some part of the world have come and told you that you are backward unless you adopt this? If there are forward people in this country, who believe in this ideology, give them a long rope, sufficiently long, so that they may hang themselves. But, do not interfere with others who have found a solution of their problems through different doors altogether.

So far as monogamy is concerned. I shall support it with one reservation. Make it applicable to all the citizens of India. It is not a question that monogamy is good for the Hindus and monogamy is not good for others. Stand for one social doctrine.

If you believe that monogamy as a social system is the best that India should have, then, do not try to look at it through the

Hindu door: look at it though the human door and make it applicable to all. Behave like a secular State at least in this instance. Take courage in both hands and say that monogamy will be made applicable to all citizens of India. If you cannot do it, do not do it for one section alone. Here, we are living in days of statistics. We swear by statistics, either real or manufactured. I have been trying to get some information; I could not, I wanted to know how many people in India have been marrying a second time....

Marrying a second wife when the first is alive. The number is extremely small. It is really no problem. Already, on account of advanced views, society has adjusted itself and on account of economic conditions, general public censure, etc., this system has gone out. Why make a parade of this that you are introducing a great reform and legislating for this? If you accept it as a principle, apply it, as I said just now to the whole of India.

So far as the Hindu Code Bill is concerned. I do not know what the decision is going to be. The Prime Minister has indicated that most likely we will not proceed with the rest of the Bill and time may not permit us to do so I am prepared to make this offer. Pass the entire Hindu Code as it is: only make it optional. Those who want it can adopt it. I have spoken to representatives belonging to the extreme orthodox school of view: I have argued with them. Although there are some amongst them who are against the passing of any such Bill whatsoever, they also realise that just as they claim to think for themselves, others also must have the liberty to do so for themselves and for their future. That would be a splendid beginning. I am prepared to admit, however much there may be opposition to the Code, that this represents a marvellous piece of work on the part of Dr. Ambedkar and those who have been associated with him. I am quite prepared to admit that this is a most thorny subject and he has gone through the matter with as much ability as any one could have. For that, if he is prepared to accept an honorary degree to be conferred by Parliament, we are prepared to confer a degree on

Dr. Ambedkar. But, if you look upon it as a measure which has to be pushed down the throat of millions of Hindus who are opposed to it, I say that you will not be doing a service to the people of India. The only way in which you can proceed even at this late stage is this. Let us not quarrel amongst ourselves; let us agree to differ on this fundamental issue. If you are prepared to point out that there are certain matters which are immediately anti-social, or corroding into the very life of Hindu society, let us agree to make such provisions compulsory if there are any. Otherwise, this new great structure which you have prepared, keep it there for a few years and say that any one, whether a Hindu or not, any Indian citizen, who desires to accept it can make a declaration, and the provisions regarding marriage or divorce or property, whatever it is, will be applicable to such selector. That would be the beginning of a great era. For after all, who is going to decide ultimately? Your elections are coming. You then go forward. As the Prime Minister has said, his sweeping wind will come and blow away all opponents and...

Yes, the whirl-wind will come. Let the whirlwind come with regard to the provisions of the Hindu Code Bill. Let them go and convince the people and tell them that they are not forcing it on them. Let them say "we give you the option. Here is a heaven we have created. Come into this heaven and attain *moksha*". Go and explain to the people, and if they feel that it is really such a heaven and not a *dilli-ka-laddu* they will come and take it, and take it with open hearts. There will be ample time. After all, Hindu civilisation has existed for thousands of years, in spite of onslaughts from various quarters. Cultural, political and economic invasions and so on. We have survived all that, And we are now a free country, and we propose to survive, and survive with a much more glorious future that we had attained in the past. But when you introduce social reforms, in such a vast country as this, where opinions differ, where attitudes differ and where ideologies differ, then the only way in which you can do it is to go at a slow pace. I am not asking you



to abandon principles which you believe to be true. I am not asking that for the time being. But please go and convince the people, the Hindu people who still claim to live under canons and codes which are in no way inferior to those existing in any other part of the world. Give them scope to choose for themselves. That is my appeal to the House and to Government and I hope that appeal will be heeded to.

## Linguistic States\*

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While dealing with the question of redistribution of the boundaries of the States of the Indian Union one would like to approach the problem not from the point of view of any political party. Under article 3 of the Constitution this House, and this House alone, is competent to decide this question. It is no use our saying that the problem bristles with difficulties. Undoubtedly it does. But it has got to be settled, and settled in a manner which would be fair and just to all concerned. It may be that in some areas political advantage is being taken by some section or other, of the volume of opinion that exists for a re-examination of the boundaries of the States of the Indian Union. But still the fact remains that there is a genuine demand in many parts of the country—north, south, east and west—for a quick examination of this problem.

I do not want to go back to history. The Congress made many promises year after year, and in fact it declared that as soon as it came to power one of the first questions that it would tackle would be the re-formation of Indian Provinces on a linguistic basis. I have before me the report signed by Pandit Nehru, Sardar Patel and Dr. Pattabhi Sitaramayya. There is one place they emphasize that although in the past the Congress had made these promises, the matter has to be re-examined from a new point of view altogether, especially after what happened in August, 1947—referring to Independence and the Partition of India—and the language used is this:

Seventhly—in the garb of protecting minorities in India, the Agreement has reopened the problem of Muslim minority in India, thus seeking to revive those disruptive forces that

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\* Lok Sabha Debates, 7 July 1952, Cols. 3317-332.

created Pakistan itself. This principle, carried to its logical conclusions, will create fresh problems for us which, strictly speaking, are against our very Constitution.

This is not the time nor the occasion for me to discuss alternative lines of action. This must obviously wait until the results of the policy now adopted by Government are known. I do not question the motives of those who have accepted the Agreement. I only hope that the Agreement must not be unilaterally observed. If the Agreement succeeds, nothing will make me happier. If it fails, it will indeed be a very costly and tragic experiment. I would only respectfully urge those who believe in the Agreement to discharge their responsibility by going to East Bengal—not alone, but accompanied by their wives, sisters and daughters and bravely share the burden of joint living with the unfortunate Hindu minorities of East Bengal. That would be a real test of their faith. While I have differed from the line of approach adopted by our Government to solve a malady which perhaps has no parallel in history, let me assure the House that I fully agree that the supreme need of the hour is the maintenance of peace and security in India. While utmost pressure can and must be put upon the government of the day to act rightly, firmly and timely to prevent the baneful effects of appeasement and to guard against the adoption of a policy of repression, no encouragement should be given to create chaos and confusion within our land. If Government is anxious to have another chance—and let us understand it clearly that this is the last chance that it is asking for—by all means, let Government have it. But let not the critics of Government policy be silenced or muzzled. To our misfortune, one of the parties to the Agreement has systematically broken its pledges and promises and we have no faith in its capacity to fulfil its future pledges, unless it shows by actual action that it is capable of so doing. This note of warning sounded by us should not be unwelcome to Government, for it will then act with more keenness and alertness and

“We have to adjust all our thinking and our activity to the new conditions that have arisen in India and the problems of today. There

can be no greater error than to think of today in terms of yesterday, or to seek to solve today's problems in terms of yesterday's."

It becomes incumbent upon us therefore to view the problem of linguistic provinces in the context of today. I would earnestly urge upon the Prime Minister to examine this question in the context of today, not merely in the context of what may have happened years ago. Although we may draw upon the lessons of history, we have to consider the grave situation that has arisen in different parts of the country and settle once for all whether India is going to be divided mainly on a linguistic basis. Speaking for myself, I have always maintained that linguistic consideration cannot be the only consideration on which India can be divided. You must take into consideration other factors also, like administrative efficiency, security, economic prosperity, and the unity of the country. These are vital factors which no one in his senses can possibly ignore. At the same time, India is divided into so many provinces. If the proposal is that we need have no provinces at all, that we have only districts, and there will be no question of any language controversy. I am prepared to accept that proposal. Let the provinces disappear. But, if you say that the provinces must exist, then there must be some basic considerations on which these provinces must be formed and in forming them, language will obviously be one important, very important consideration. I have not got the time to refer to the various aspects of the matter arising in different parts of the country like Punjab, Bombay, Gujarat, Maharashtra, Andhra, Mysore, Karnataka, Orissa. Within the limited time at my disposal, I would like to refer to my province of West Bengal.

In the report sent by Pandit Jawaharlal Nehru and others which I have just mentioned they have just brushed aside the claims of North India. On page 10 the members say:

"We are not concerned with what might be called petty adjustments of provincial boundaries such as are demanded in parts of Northern India.

Even apart from our view of this reference to us, we are firmly of opinion that no such question should be raised at the present

moment. This does not necessarily mean that the demands for adjustments of provincial boundaries are unjustified or without merit."

They are not prepared to raise this question now. I would place, with all seriousness, the case for West Bengal before the Parliament of free India. I do not wish to put it on a controversial basis. I do not want to raise questions which will make Bengal and Bihar fight today here on the floor of the House. But, look at the problem from the point of view of today; I am using the words of Pandit Nehru in this report. Here is a province which, as you know, stands in a very difficult position today. It has been partitioned for the sake of the freedom of India.

Today, if you take the area of Bengal, it is about one-third of what it was before. When we raised the question of the re-adjustment of the boundaries of Bengal, we naturally raise the question of bringing into Bengal certain areas belonging to Bihar, if I may refer to history for a short while, the district of Manbhum, parts of Singhbhum and Santhal Parganas and a small portion of Purnea. Bengal was partitioned in 1905 and the House will remember that was how the Indian freedom movement started. When in 1911, the annulment of the Partition was made, it was directed that there will have to be a re-distribution and the boundaries of Bengal adjusted specially in relation to the districts which I have just mentioned. I am reminded of certain historical facts which we cannot possibly ignore. In fact in the 1911 Congress session, a resolution was passed that at the earliest opportunity these areas which are Bengalee-speaking areas should be handed over to Bengal. In 1912, a statement was issued by persons led by the late Dr. Sachchidananda Sinha, than whom there could be no greater patriot in Bihar. They admitted that the return of these areas to Bengal was fully justified and that immediately steps should be taken. That was not done. Why was that not done? Official documents are being published now. What was the history of the partition of Bengal in 1905? In the secret letter which was sent by Lord Hardinge to the British Secretary of State, it was

mentioned that it was for the consideration of putting Bengal under check that Bengal had to be partitioned in 1905. It was not done for administrative reasons or for the purpose of helping the people of those areas, or for the matter of that, of the country as a whole. Then we find that resolution after resolution, passed by the Indian National Congress, recognised the justification for linguistic provinces. The claims of Bengal so far as these particular Bengalee-speaking areas in Bihar were concerned were also admitted. In fact, as late as December, 1937, at the meeting of the All-India Congress Committee which was attended by many people who are present here, including the Prime Minister himself, a resolution was passed on the question of the reformation of the Indian provinces on a linguistic basis. It was stated at the end that the Congress Cabinet of Bihar be requested to take early steps to restore those portions of Bihar to Bengal. That was as late as December, 1937, when the Congress Cabinets were functioning in different provinces in India.

Now, today, I raise this question. For what reason? It is not a matter of sentiment for us. It is a matter of our very existence, of life and death to Bengal. Today, the area has shrunk to one-third of what it was previously. Look at the census of 1951. The density of population has gone up to 805, from 755 in 1941. It stands at 805 today. If I know that it would stand there, it might have been different. As you know there are 90 lakhs of Hindus living in East Bengal. What their future will be none can tell. The Prime Minister sometimes indulges in statements of self-delusion. He said the other day that these people who are coming are beggars. Suddenly, thousands of beggars are pushing out from East Bengal. They are not all of them beggars. They are being pushed out deliberately by that State. They will not be allowed to live there. Suppose ten or fifteen or thirty lakhs come out where will they live? Can West Bengal keep them? That is the problem which this House will have to solve: not West Bengal alone. It is a problem for India. It is suggested that they may be transferred to some provinces. That is not a practical proposition. You can send a few

thousands to other provinces. They will have to live as children of Bengal. It is not a provincial claim that I am making. As I said at the beginning, if the decision of Parliament is that there will be no provinces, it is all right. But, if you have provinces based more or less on linguistic considerations, then, you must give a unit to each particular section of the people so that they may develop an area in accordance with their own traditions and sentiment and add to the national strength and solidarity of India as a whole. I stand for a strong Central Government. Although the powers may be decentralised to the provinces, I am not suggesting that the powers should be given to the provinces in such a way that India may be balkanised, as the previous speaker said. Far from it, let there be contentment, let there be satisfaction in the minds of each section of the people that they are getting what is their birth-right, and that they are being allowed to contribute the best that they can give to the consolidation of their motherland.

Hindi may be a common language and we should all learn it. But I was surprised to find that the hon. Member who spoke last should suggest that there was no difficulty in the country today because Hindi was accepted as the national language of India. Even the Constitution provides that Hindi will not thrive at the cost of the regional languages. It will be a grievous day for India if these great Indian languages which have made their contribution to the development of Indian culture as a whole, and some of them also contributed not in an insignificant manner to world culture and civilisation should disappear from the face of free India. None is questioning why Hindi has been accepted as the national language; but you cannot have Hindi alone in India. India still consists of various units and provinces which must thrive according to their cherished traditions and culture. Now, here the point is: how are we going to solve the future of West Bengal? You must give us a little living space from the adjoining provinces which do include large tracts of Bengali-speaking people. I am not suggesting that you should give us areas which will make such adjoining provinces weak. I am not suggesting that for a moment. It is not that I want to

snatch away something from the adjoining provinces unfairly and render them weak or inefficient or administratively impossible to be run. I am not making that suggestion. Both in respect of Assam and Bihar, certain well-demarcated areas can be handed over to West Bengal without jeopardising them—as indeed the Congress itself has often admitted. Tripura should also rightfully come to West Bengal.

If you look at the calculations which have been made in the last census report, you will find almost all provinces in India have gained after partition because so many new States etc., have been added to them and the density of population in most of these areas has gone down; at any rate, they have got more than ample space. I wish good luck to them but there may be some re-adjustment, not by quarreling with each other, but by sitting together round a table. Who is to take the initiative? Some third party is to take the initiative. The Prime Minister says: let agreement be reached, and then we will see what we can do about it. That is not possible. The initiative can be taken by no one else except the Prime Minister of India because he could do so in the best interests of all and of India. He has got to call together the people concerned not for creating disputes but for settling them. The facts and figures are there. Let each put up his case, and let each unit be strengthened in such a manner that each may feel that it is being done in the best interests of the country.

Truncated though West Bengal is today, the upper portion being cut off from the lower, thanks to Radcliffe Award what is the contribution West Bengal is making even today? So far as Income-tax revenue is concerned, even today about 35 per cent. of the total income-tax revenue of India comes from West Bengal and West Bengal is getting back in return about twelve and a half per cent. if you take your Customs revenue, nearly about 40 per cent. of the total customs receipts of India emanate from this truncated province of West Bengal. If you take, say, heavy industries, even today about 70 per cent. of the heavy industries in India are located in the small over-congested truncated area of West Bengal. If you take the sea-



borne trade of India, 40 per cent. of the sea-borne trade of India even today are in the hands of this truncated province of West Bengal. Then, you have jute, you have other industries, your dollar earning industries, your coal—and they are also concentrated in the small area. And how is that province populated today? If you take the last census report, even today nearly 20 per cent of the people of West Bengal come from different parts of India. It is a cosmopolitan province from that point of view. And I take pride for the manner in which they have been treated in the province of my birth. Take education. Mine has been the first province during the last 50 years that has given the fullest liberty and scope to every one coming to my province to receive their education through their mother tongue. There are schools like the Gujarati school, the Khalsa school, the Hindi schools. We have not imposed Bengali on the non-Bengali people who have come to our province. I do not want that this Bengali and non-Bengali feeling should be aroused. It may be in some areas some whisperings may be heard, but they are often heard due to frustration, due to the inability of the powers that be to tackle the vital question: Is West Bengal going to live or not? That is the question which I am going to pose before this House, not as a party man, not for the purpose of snatching away some territory from somebody else. Give us living space, some area so that we can develop ourselves according to our genius, and in a manner that we consider to be fit and proper and make our contribution to the development of India as a whole.

There is East Bengal. I have repeatedly told the Prime Minister that the very basis of partition is gone. The very basis of partition was that the Muslims and Hindus, all will live in both the territories. India has played her part. Pact after pact has been enacted, but it is just a one-way affair, it is just a one-way traffic. If you could only ask that East Bengal should give India proportionate territory, if you could have demanded one-third of East Bengal to India— It seems ours is a policy, an approach of love and peace. Let that be your approach to Pakistan. But you settle the problem at least so far as our own country is

concerned. My appeal to the Prime Minister is this. He should not brush aside this problem. We do not want to raise controversies for the purpose of picking up quarrels. We can make a cast-iron case that from the consideration of language and from the consideration of administration, West Bengal should have more space so that the great stress which is now being laid on this province may be checked in some manner which will be justifiable from the point of view of India's advancement.

The hon. Rehabilitation Minister some time ago stated that the Bengalees could be sent out to other parts of India. But it is not a question of their being sent out. The question is of their legal rights, it is a question of their rights of citizenship, rights of representation. If today two or three million people are pushed out to other parts of India. I do not know which parts of India will absorb the people coming from Bengal, having a different language, living a different mode of life. There is the question of their representation in the Indian Parliament. There is the question of their claims for service, trade, business etc. There are matters which you cannot lightly deal with. Before things deteriorate, I would beg of this House that this question should be gone into—not the case of West Bengal alone, but along with all the others. It is no use adopting an ostrich-like policy and thinking that everything is going on all right. If you say: let us not redistribute the boundaries of India for any consideration, if that is the policy of Government, let them say so, let them announce it and face the consequences. Then the people will know where they stand. It may lead to troubles, but then, the troubles will be the making of the Government itself. If you say there is to be redistribution consistent with the declaration that the Congress has made for the last 35 years, then do not leave the matter to be decided, by the parties concerned, but take the initiative in your own hands. This is my appeal to Pandit Jawaharlal Nehru. Let him take the initiative in his own hands, appoint a Commission, appoint Advisers, or call informal conferences of the leading representatives of the areas concerned, and try to adjust matters in such a way that they

may come to a decision which will be mutually acceptable to all. I know that whatever decision is arrived at it will not be acceptable in full to all. There may be sections of the people who may oppose any decision arrived at—I concede that point. We can face this, once we settle the fundamental issues on a just basis and make the major sections of the people agree to them. It is not a question of making some debating point from the Congress side or the non-Congress side. It is a first class national issue which has got to be settled on a national basis, not a party basis it is not a question of the Government party or the Opposition party making some point here and there. It is a matter which we have to go into with extreme care and vigilance, keeping in view the needs of the units and also the security of India as a whole, and if we as responsible representatives are capable of achieving this, I am sure, we will be solving a problem on which rests the peace and prosperity of millions of people throughout this land of ours.

## The Kashmir Issue\*

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I agree with the Prime Minister that the matter of Kashmir is a highly complicated one and each one of us, whatever may be his point of view, must approach this problem from a constructive stand-point. I cannot share the view that we creating a new heaven and a new earth by accepting the scheme which has been placed before the House on the motion of the Prime Minister. The question can be divided into two parts. One relates to the international complications arising out of Kashmir and the other relates to the arrangements that have to be made between Kashmir and ourselves regarding the future Constitution of Kashmir.

It has been said that I was a party when the decision was taken to refer the Kashmir issue to the U.N.O. .... That is an obvious fact. I have no right and I do not wish to disclose the extraordinary circumstances under which that decision was taken and the great expectations which the Government of India had on that occasion, but it is a matter of common knowledge that we have not got fair treatment from the United Nations which we had expected. We did not go to the U.N.O. with regard to the question of accession, because accession then was an established fact. We went there for the purpose of getting a quick decision from the U.N.O. regarding the raids which were then taking place by persons behind whom there was the Pakistan Government. The raiders merely acted on behalf of somebody else...Some-how, we should withdraw ourselves, so far as consideration of the Kashmir case is concerned, from the U.N.O. We can tell them respectfully that we have had enough of the U.N.O. and let us

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\* Lok Sabha Debates, 7 August, 1952, Cols. 5885-5899

now consider and try to settle the matter through our own efforts. I am not suggesting that India should withdraw from the U.N.O. The only matter regarding which the dispute still continues is about the one-third territory of Kashmir which is in the occupation of the enemy. The Prime Minister said today that that portion is there. It is a matter for national humiliation. We say that Kashmir is a part of India. It is so. So, a part of India is today in the occupation of the enemy and we are helpless. We are peace-lovers, no doubt. But peace-lovers to what extent?—that we will even allow a portion of our territory to be occupied by the enemy? Of course the Prime Minister said: thus far and no further. If the raiders enter into any part of Kashmir, he held out a threat of war not in relation to Pakistan and Kashmir, but war on a bigger scale between India and Pakistan.

Is there any possibility of our getting back this territory? We shall not get it through the efforts of the United Nations: we shall not get it through peaceful methods, by negotiations with Pakistan. That means we lose it, unless we use force and the Prime Minister is unwilling to do so. Let us face facts—are we prepared to lose it?

It has been said that there is some provision in the Constitution, that we are bound by the pledges which have been given. Pledges? Undoubtedly, so many pledges we have given. We gave a pledge to Hyderabad. Did we not say that there would be a Constituent Assembly for Hyderabad. It was followed by another pledge that the future of Hyderabad would be decided by the Legislative Assembly of Hyderabad. But is not Hyderabad already a part of the Indian Union? We gave pledges also to those princes whom we are liquidating in different forms today. If we talk of pledges we have given pledges on many other occasions. We gave pledges to the minorities in East Bengal. That was given after the attainment of independence. The Prime Minister said the other day that even if Kashmir had not acceded to India, when Kashmir was attacked by the raiders on humanitarian grounds the Indian army could have marched to Kashmir and protected the

distressed and oppressed. I felt proud. But if I make a similar statement, or even a similar suggestion for the purpose of saving the lives and honour of nine million of our fellow brethren and sisters—through whose sacrifices to some extent at least freedom has been achieved, I am a communalist, I am a reactionary, I am a war-mongar!

Pledges? Undoubtedly pledges have been given. I am also anxious that pledges should be respected and honoured. What was the nature of the pledges? We did not give any new pledge to Kashmir. Let us be clear about it.

What was the set-up we accepted when the British withdrew from India? There was the Indian India divided into India and Pakistan and there was, if I may call it, the Princely India. Every one of those five hundred rulers got theoretical independence and they need have acceded to India only with relation to three subjects. So far as the rest was concerned it was purely voluntary. That was the pattern which we accepted from the British Government. So far as the 498 States were concerned, they came to India, acceded to India on the 14th August 1947 in relation to three subjects only, but still it was accession, full accession. Later on, they all come in in relation to all these subjects and were gradually absorbed in the Constitution of India that we have passed. Supposing some sort of fulfilment of the pledge that we are thinking of so literally in relation to Kashmir, was demanded by these States, would we have agreed to give that? We would not have because that would have destroyed India. But there was a different approach to the solution of those problems. They were made to feel that in the interest of India, in their interest, in the interest of mutual progress, they will have to accept this Constitution that we are preparing and the Constitution made elaborate provisions for nationally absorbing them into its fabric. No coercion; no compulsion. They were made to feel that they could get what they wanted from this Constitution.

May I ask—was not Sheikh Abdulla a party to this Constitution? He was a Member of the Constituent Assembly; but he is asking for special treatment. Did he not agree to accept this

Constitution in relation to the rest of India, including 497 States. If it is good enough for all of them, why should it not be good enough for him in Kashmir?

We are referred to the provision in the Constitution. The Member from Bihar... said there was going to be compulsion; that we are going to hold a pistol at the head of Jammu and Kashmir saying that they must accept our terms. I have said nothing of the kind. How can we say that? What is the provision we have made in the Constitution? Article 373—read it and read the speech of Shri Gopaldaswami Ayyangar when he moved the adoption of that extraordinary provision. What was the position then? All the other States had come into the picture. Kashmir could not because of special reasons. They were: first the matter was in the hands of the Security Council; secondly, there was war; thirdly, a portion of Kashmir territory was in the hands of the enemy and lastly and assurance had been given to Kashmir that constituent assembly would be allowed to be formed and the wishes of the people of Kashmir ascertained through a plebiscite. Those were the factors that had yet to be fulfilled and that was why a permanent decision could not be taken. It was a temporary provision.

He said categorically that he and also the Kashmir Government hoped that Jammu and Kashmir would accede to India just as any other State has done and accept the provisions of the Constitution. It is not a question of compulsion on our part. The Constitution of India does not say that whatever the Constituent Assembly of Jammu and Kashmir would ask for India would give. That is not the provision. The provision is—agreement, consent.

Certain proposals have been made today. Some of us do not like them. What are we to do? If we talk we are reactionaries, we are communalists, we are enemies. If we keep quiet and if a catastrophe comes after a year, then: you were a party to it, you kept quiet—therefore, you are estopped from saying anything.

I am most anxious, as anxious as anybody else that we should have an honourable, peaceful settlement, with Kashmir.

I realise the great experiment which is being made on the soil of Kashmir. Partition did not help anybody. I come from an area where sufferings are continuous, they are going on. We feel every day, every hour, the tragic effects of partition, the tragic possibilities of approaching this national problem from a narrow, communal and sectarian point of view. Why did we not utter a single word against the policy of Sheikh Abdulla so long? I could have spoken. I came out of this Government two and a half years ago. On the other hand, I supported, wherever I spoke publicly the policy of the Kashmir Government. I said that this was a great experiment which was going on and we have to keep quiet and see that the experiment is made a success. We must be able to show that India is not only in theory, but also in fact, a country where Hindus, Muslims, Christians and everyone will be able to live without fear and with equality of rights. That is the Constitution that we have framed and which we propose to apply rigorously and scrupulously. There may be some demands to the contrary here and there. But do not regard that, whenever an attack is made on certain matters of policy, some narrow, sectarian, communal motive is prompting us. Rather it is the fear that history may repeat itself. It is the fear that what you are going to do may lead to the 'Balkanisation' of India, may lead to the strengthening of the hands of those who do not want to see a strong United India, may lead to the strengthening of those who do not believe that India is a nation but is a combination of separate nationalities. That is the danger.

Now, what is it that Sheikh Abdullah has asked for? He has asked for certain changes to be made in the Constitution. Let us proceed coolly, cautiously, without any heat or excitement. Let us examine each of them and ask him and ask ourselves: if we make an allowance in respect of these matters do we hurt India, do we strengthen Kashmir? That will be my approach. I shall not say anything blindly because it transgresses some provisions of this book, the Constitution of India. I would not do so. I would have liked the Prime Minister to have sent for some of us in the Opposition when Sheikh Abdullah was here. He



faces us today with his decisions. I do not like these public discussions because I know their repercussions may not be desirable in some quarters. He might not have accepted our suggestions, but I would have liked to have met him—those of us who differ from the Prime Minister's attitude on this question. I met him at a private meeting and we had a full and frank discussion. But we would have liked to have met Sheikh Abdullah and others in a friendly way and explained our point of view to them. We want to come to an agreement, an agreement which will make it possible for India to retain her unity and Kashmir to retain her separate existence from Pakistan and be merged with India.

Since when did the trouble start? Let us look at it dispassionately. Since Sheikh Abdullah's return from Paris some time ago statements started to be made by him which disturbed us. Even then we did not speak out. His first statement he made in an interview which he gave when he was abroad about his vision of an independent Kashmir. And then when he came he amplified it then again retracted from it and gave an explanation, and then the speeches which he has made during the last few months were of a disturbing character. If he feels that his safety lies in remaining out of India, well, let him say so; we will be sorry for it, but it may become inevitable. But if he feels honestly otherwise, as I have always hoped and wished, then certainly it is for him also to explain why he wants these alterations to be made.

....Sheikh Abdullah spoke in the Constituent Assembly of Kashmir about three or four months ago, words which have not been withdrawn, but words which created a good deal of misgivings in the minds of all Indians irrespective of party affiliations. I do not know whether the Prime Minister saw this:

"We are a hundred per cent sovereign body. No country can put spokes in the wheel of our progress. Neither the Indian Parliament nor any other Parliament outside the State has any jurisdiction over our State."

It is an ominous statement. I shall make an offer to the Prime Minister and to Sheikh Abdullah. I shall give my full, whole-

hearted support to the scheme as an interim measure.... The Prime Minister said today that nothing is final. It cannot be final, because things have to be discussed in their various details. But even then, I am prepared to give my support. Let two conditions be fulfilled.

Let Sheikh Abdullah declare that he accepts the Sovereignty of this Parliament. There cannot be two Sovereign Parliaments in India. You talk of Kashmir being a part of India, and Sheikh Abdullah talks of a Sovereign Parliament for Kashmir. It is inconsistent. It is contradictory. This Parliament does not mean a few of us here who are opposing this. This Parliament includes a majority of people who will not be swayed by any small considerations. And why should he be afraid of accepting the Sovereignty of this Parliament of Free India?

Secondly, it is not a matter of changing the provisions of the Constitution by the President's order. Let us look at some of the changes which are being sought for. We are supporters of the Maharaja! That is what is said against us. I have never met the Maharaja. I do not know him personally. We are not supporters of this Maharaja, or of any Maharaja as such. But the Maharaja is there not by his own free will. The Parliament of India, the Constitution has made him what he is, namely, the constitutional head of Jammu and Kashmir. And what is the irony? At present Sheikh Abdullah's Government is responsible to this Maharaja according to the Constitution, responsible to one who is being described as a wretched fellow who has to be turned out lock, stock and barrel. The Maharaja is there as a constitutional head. If you feel that this should be taken out, change your Constitution. Say that there will be no hereditary Rajpramukhs. It is a matter worthy of consideration. Let us consider it. But see the way in which it has been put: a Hindu Maharaja is being removed. That is one of the war cries in Pakistan. But who finished the royal powers of Hindu Maharajas? Not Sheikh Abdullah, but the Constitution of Free India. We did it. We said that no ruler would have any extraordinary powers, that he will be just head of the government which may be technically responsible to him but later on responsible to an

elected legislature. But now great credit is being taken that a unique performance is being done in Kashmir. In every speech of his he gave it: the Maharaja, the Dogra *raj* is being finished. Is that a propaganda? Is that necessary? You are flogging a dead horse. It is finished. What is the use of saying it?

What about the elected Governor?.... I have got here the proceedings of the Constituent Assembly. The Prime Minister will remember that in our own Constitution we at first made a provision for an elected Governor, and then later on Sardar Patel and the Prime Minister and others felt that in the democratic set-up that we contemplated an elected Governor had no place. Read the speech. It was stated that the Governor will be there to act as the representative of the President and if the Governor is elected by the people or the legislature and the Chief Minister also will be elected: as such there is every likelihood of a clash, then again, the Governor will be a party man. And the Prime Minister pointed out all these considerations and claimed that there was very special reason why in order to retain the unity of India and contact between the Centre and all the States the Governor should be nominated by the President. You just ignore these basic points because Sheikh Abdullah says: 'I want an elected head now.' Why can you not tell him and others what you have done in the Constitution, that originally we provided for an elected Governor but after a good deal of thought we did away with that? Even then I say if today in your wisdom you feel that an elected head is a necessity and it will help you, consider it. Bring it up as a specific proposal. Let us discuss the pros and cons of it. But suddenly my friend Mr. Hiren Mukerjee says: people are clamouring for an elected head. People are clamouring for an elected head everywhere. Are you going to have elected heads everywhere? In fact, as things are happening we may abolish governors altogether. Governorships are often reserved for various classes of persons—disappointed, defeated, rejected, unwanted Ministers and so forth. We need not have this class at all. Or, if you

want to have them, have them. I am not particularly interested. But this is a change for which no justification is given.

And then the flag. The flag has a significance. It will not do for the Prime Minister to say that it is a matter of sentiment. It was announced in the papers three days ago that the Indian flag will fly only on two ceremonial occasions and otherwise the State flag alone will fly there. If you feel that the unity and integrity of India are not affected and it will not lead to fissiparous tendencies being generated, accept it and do it for all. But why do it as a matter of surrender to Sheikh Abdullah's demand?

He wanted to call himself the Prime Minister. That is how he first started. Some of us did not like it. We know one Prime Minister of India including Kashmir, that is the Prime Minister who is sitting here. How can you have two Prime Ministers, one Prime Minister in Delhi and another Prime Minister in Srinagar, who will not call himself the Chief Minister, but a Prime Minister. At first I thought it was a small matter and we should not look at it but see how the process is developing—some sort of special treatment at every step and he must be treated in a very different way. Look at the citizenship rights and fundamental rights. What is it that we are doing? Has the House considered it? Has the House discussed the pros and cons of the recommendations which have been made. You are changing without giving much thought the provisions of the Constitution regarding citizenship. It was said that rich people are rushing to Kashmir and purchasing property. As the Prime Minister mentioned in his statement, in article 19(5) there is a provision. We discussed this article threadbare when we framed the Constitution. There were attempts made by various provinces and they wanted to have some special protection against unauthorized purchases of land on a large scale. What is it that we have said? We have said that any State legislature may pass a law, imposing reasonable restrictions regarding acquisition of property or movement from one part to another in the public interest or in the interest of Scheduled Castes and Scheduled Tribes. If Sheikh Abdullah feels that in Kashmir some special restriction

should be done, the clause is there. I would like to ask the Prime Minister categorically about this. He has not mentioned it. He has skipped over it. Is it intended that the restrictions which the Kashmir Assembly will impose will be in accordance with this exception or is it proposed to give it something more? There are four classes of citizens. I have got the details, but I have not the time to go through them. But those were done in the time of the much cursed Maharaja. Are they to be maintained or are they going to abolish the four different categories of citizenship? I am reminded of a story which was written by Lord Curzon in a book. A distinguished nobleman from England went to the court of Shah of Persia 50 or 60 years ago accompanied by his wife. Both of them were presented and the Shah was a bit inattentive and the secretary asked: "What should be the honour done to the lady?" There were three different categories of Order of Chastity and the award was made 'Order of Chastity—class three'. That is how the order came out and then it was realized that some thing had been done which was of a staggering character, and of course amends were made after the damage was done. Four classes of citizenship in Jammu and Kashmir—what for? They should be abolished. There should be only one class of citizenship. Would Indians take all your property? It was not suggested that Indians should go and purchase property as they liked. Supposing some Indian comes and purchases some property, you may have legislative measures. We have accepted it. What is the fear? We have a Kashmiri Prime Minister of India. We have a Kashmiri Home Minister of India. We are happy in India. We do not mind it. We welcome them. What is the fear? Is it feared that Indians will go and invade Kashmir and one of them will become the Chief Minister of Jammu and Kashmir? We are not going to raid Jammu and Kashmir. I have never visited this beautiful part. I would like to go and stay there for some time. I have not got the money to purchase a house. In any case, I would like to go there. This is what you have in regard to fundamental rights. You are having new changes there which are very difficult to justify. The Prime Minister mentioned 2 or 3 things—scholarships and services

etc. What is this 'etc.'? And why Services? In services, do you want to make a difference between one citizen and another. Even there, as you know, in our Constitution, Parliament and Parliament alone has the right to make special provision regarding entrance to services for those who have to be protected. Now there are similar demands made in the South. I have been going through their demands during the last few weeks. They also feel perturbed by the Strict operation of some of these provisions. When you throw open the doors to them, they also will want similar protection.

There is another thing to which Prime Minister has not referred. I was really amazed to find how a special provision could be made. As you know two lakhs of people have gone away to Pakistan. There is a provision that a special law will be incorporated to get these people back to Kashmir. War is still going on. On the one hand Fundamental rights regarding civil liberty are proposed to be made more strict., and on the other, you are going to throw open the door and allow Pakistanis to go to Kashmir; for this there is to be a special law and there is a special agreement. Why this anxiety on the part of Sheikh Abdullah to make a special provision for getting back those who ran away to Pakistan and who are not prepared to come. Is there any point in it? How will it affect security?.....Those who have been killed cannot go back. Those who are alive can come back tomorrow if they honestly believe in India and if they really want to live in Jammu. They must be tested. Let them come back. No special provision is needed for it. So far as Jammu is concerned, as you know, it was a most tragic state. It was done by both sides. There were muslims who were bitter and there were Hindus who were bitter. That was a dark period when many parts of India were like that. but today, what is the position? You have allowed how many thousands. I forgot the number. They have come away from Jammu and Kashmir and are a burden on India. Why should not there be a special provision here in the agreement that promptly they will be taken back to Jammu and Kashmir? There are several thousand of them who have come. Why

are they not going back. I do not know how many pandits have come away from Kashmir. They also must go back to Kashmir. So far as the other portion is concerned, that also is a serious matter. In the one-third portion of Jammu and Kashmir which is now under Pakistani occupation, nearly 1 lakh of Hindus and Sikhs have come and taken shelter, within the Kashmir territory. What will happen to them? They will have to be taken care of. You are thinking of those who have become Pakistanis for the time being. You will reconvert them and re-confer on them the status of Kashmiri citizens but those unfortunate beings who today have taken shelter, how will they be given accommodation? Is there land enough for them. These are matters which had not received any attention.

As regards the emergency provision, it is an amazing stand. If there is an emergency on account of internal disturbance, the President of India will not have the last say. Why this fear of the President of India? Can you contemplate a more gratuitous insult to the President of India? Here the Kashmir Government must conform to the Constitution. Why should they request if there is an internal disturbance which is the creation of their own misdeeds?

Why should they request you if, for instance they are in league with others from the upper side, China or Russia, through our other friends? Why should they come and request you for your interference? I would expect the Prime Minister to tell whether the other emergency provisions apply or not. As you know, there are two other very important emergency provisions in the Constitution. Article 354 relates to application of provisions relating to distribution of revenues while a Proclamation of Emergency is in operation and the other article is 356 relating to provisions in case of failure of Constitutional machinery in States. Has Sheikh Abdullah accepted the application of article 356 or has he accepted the more important provision contained in article 360—provisions as to financial emergency. Has he accepted that provision? The Prime Minister does not make any reference to it. The Supreme Court's jurisdiction also has not yet been accepted.

I shall conclude, by making this constructive suggestion. These comments which I made, naturally I had to make without commenting in detail on the reactions of Sheikh Abdullah. He wrote to me and said that he would like to meet me when he was in Delhi last time. I was not here on that day. So I could not meet him. I sent him a friendly reply. Perhaps I would meet him some time. It is not a question of his meeting me or I meeting him. I submit that we must proceed according to certain standards. First of all there is no question of the President by virtue of his power to make orders altering the provisions of the Constitution in material respects.

If the Prime Minister feels that a case has been made out for re-examination of certain important provisions, for instance land, if you feel that land should be taken without payment of compensation, provide for it in the Constitution. You consider all these items and make your provisions so elastic that you can apply them either to the whole of India or you can apply them to only such parts where this Parliament of India will feel that such special treatment is necessary. Proceed in accordance with a constitutional manner, not just play with the Constitution. It is a sacred document, and it is a document on which much labour and much thought were bestowed. If you feel some changes are necessary in order to take into consideration the new set up that is slowly developing in India, whether in Kashmir or other parts of India, by all means let the people of the country have a chance to express their opinion.

Lastly a charge was levelled that some of us have advocated separate consideration of Jammu and Ladakh. I would assure you and the House that I do not want that Jammu and Kashmir should be partitioned. I know the horrors of partition. I know the results which may ensue if partition comes. But the responsibility for preventing partition will rest on those who are today the masters of Jammu and Kashmir and are not prepared to adopt the Constitution of India. What is the crime if today the people of Jammu claim that they should be treated separately, in the sense that they should be allowed to joint fully with India—mark it, it is not a question of running away from



India—if they say that they would like to accept *in toto* the Constitution of free India, is there any crime that they then commit? I am not suggesting that you partition Jammu and Kashmir I am not suggesting that you send Kashmir or Kashmir valley out of India. And it is not for me or for us sitting in this House to decide this matter. As the Prime Minister pointed out very rightly, it is the people of that territory who will have to decide. Now suppose the people of Jammu and Ladakh feel that either it should be full accession in relation to the whole of Jammu and Kashmir, or if that is not acceptable to Sheikh Abdullah, then, at least these two Provinces, the two separate entities could be justified historically or otherwise, that they should be allowed to join with India. Let Kashmir continue in any way that it likes, even with more autonomy, with less possibility of interference by India; that is a possibility which we cannot rule out. I hope that this question will be considered in its full possible implications.

My friend from Kashmir, Maulana Masuodi, for whom I have very great regard—I tried to follow his speech this morning—referred to Jammu, the last question which I would answer. Well, if this demand is made by Jammu, he said Jammu is a Province which in 1941 had a Muslim majority. He said that, but did not complete the story. Undoubtedly it was a Muslim majority Province in 1941, but it became a Muslim majority including those districts which have now fallen into the Pakistani-occupied area. So, if you exclude those areas.....

I am not going to surrender them. I am very glad he has put the question. The Prime Minister says that that area will not be re-occupied, but it is a different question. You are not going to re-occupy it, and it is not possible. In any case those people have worked against Jammu and Kashmir, they have become, as has been repeatedly said more friendly to Pakistan than to India.

If you take the 1951 census figures—the figures have not been published, but it is on the basis of the territory that is under our occupation—75 per cent of the population of Jammu will be Hindus. But I am not proceeding on the basis of Hindus and

Muslims. Let me make it clear. I am proceeding on the basis of the will of the people to come to India either in whole or in part. If these two Provinces Ladakh and Jammu say that they will come to India with all these subjects, make it possible for them to do so.

The same right which you are claiming for Kashmir may also be demanded by the people of Jammu and Ladakh. Let us proceed in a friendly spirit. Sheikh Abdullah himself said about a month ago that he will have no objection if the people of Jammu and Ladakh really felt that they would go to India—I am not saying that you have it done immediately or you proceed in that way, but let it be possible for the people residing in those areas to make up their minds which way it will be good to proceed, and it will also be consistent with the same principles of self-determination which constitute the basic claims of Sheikh Abdullah, supported by the Prime Minister.

## Migrations Between Pakistan And India

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We are today to discuss a matter of very vital importance not only to millions of individuals but to the entire country. It is not the first time that this matter is coming up before the House. It has been given to me to place the viewpoint of a large number of citizens of this country on this grave issue during the last 2½ years.

Today I feel overwhelmed by a sense of pang and sorrow as also a sense of responsibility and duty as I start to speak on this motion. I feel along with many that the policy hitherto pursued by the Government of India has not been at all satisfactory and it has failed to achieve the objective in view. Many of us have expressed opinions which have not been found acceptable to the Government. The issues before us are so momentous that none of us would like to proceed in an atmosphere of anger or passion but would like to place our respective viewpoints with the utmost frankness in the hope that before it is too late a solution of this gigantic problem can be found.

The question of the minorities in Pakistan has been settled during the last five years in different ways. So far as West Pakistan is concerned, today it stands virtually denuded of its minority population. During the last fortnight two shiploads of Hindu migrants came from Sind to India and I do not know how many thousands are still there.

So far as East Pakistan is concerned, at the time of partition

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<sup>1</sup> Lok Sabha Debates, 15 November 1952, 596—619.

the population of the Hindu minority was about 1 crore and 40 lakhs. According to Government figures about thirty lakhs have come out during the last five years. We do not accept the accuracy of these figures, but I do not wish to go into the details. If we refer to the last census report of the Pakistan Government itself, it appears that nearly 45 lakhs of Hindus have come out, because according to that census the present Hindu population in East Bengal is about 95 lakhs.

Pacts and agreements were enacted between India and Pakistan on this issue, not once, not twice but thrice and all of us remember vividly the tragic circumstances under which the pact of April 8, 1950, was enacted between the Prime Ministers of India and Pakistan. It fell to my lot to oppose that pact,—oppose not in the sense that there was nothing good in that pact but oppose it on the ground that the very people who were responsible for carnage were being again entrusted with the responsibility for looking after the minorities. I felt that this scheme would not work. How grand were the wordings of that pact? I have the language before me. I do not wish to re-read it, but all the high sentiments which were expressed and rightly expressed remain unfulfilled. After all, what was being asked from Pakistan? Nothing unnatural or unique was being asked from her. We merely asked her to function as a civilised State and look after her minorities. but in spite of the flowery language that was used on that occasion, the basic principles of the pact have been violated by Pakistan during the last two and half years and we have witnessed during the last few months another mass migration.

Here on point which I would like to emphasise and which is extremely important is that it is only when large scale exodus takes place that public opinion in India is shaken. It is only when these unfortunate people come, not in hundreds but in thousands and even lakhs, carrying with them tales of woe, of shame, of misery and of humiliation, that public opinion is shocked and our Government starts considering the matter *de novo*. But if migration is not on a large scale, but on a homeopathic scale, then obviously it does not attract sufficient

notice and it is sought to be concluded that perhaps things are all right in East Pakistan.

Many of us have pointed out repeatedly during the last two and half years that the real way of looking at the question is not through the eye of statistics alone—I do not ignore the value of statistics—but also with a human approach to the problem, and specially to find out how these people are living in East Pakistan, what are the conditions which they are being forced to accept and whether the minority can really live there or not. Unfortunately, for whatever reason it may be—whether due to want of machinery or due to want of co-operation on the part of Pakistan—such information has not been always available.

I would like the House to bear one point in mind. These unfortunate people who are now coming out had decided in spite of everything to stay on in East Pakistan. They did so in spite of the tragic happenings of 1950 when about 50,000 Hindus on a modest scale were killed in the course of a few months and when unparalleled barbarities took place, obviously with the connivance of the authorities of that State. In spite of all that, these people had decided to stay on, for after all who wishes to leave his hearth and home, and with what expectation? Undoubtedly, we have opened our door to them but we know how difficult the task of rehabilitation is. When humanity is uprooted it is not easy that it would be able to resettle itself under different conditions altogether.

So, when during the last few months according to Government about 3 lakhs but according to us at least double that number has been forced to come out, we can easily realise what force of circumstances has been compelling them to do so.

What are the basic factors of this movement from one country to another? First of all, as we all realise, there is the very conception of the Pakistan State. Pakistan was born out of hatred of Hindus and of India. Although it was thought that the makers of Pakistan would be able to settle down and think in terms of the development of their country keeping an

atmosphere of goodwill with india, those expectations have been belied. The creation of a homogeneous Islamic State was the principal aim of the founder of Pakistan and those who have come into his shoes have carried that ideal into execution in every possible way. Hindus have been deprived of their rights in every sphere—social, cultural, economic, religious and political. They are treated as *Zimmis*.

Secondly, the policy of squeezing out the minorities—squeezing out, not flooding out. I shall have to refer to this because a point was raised by the Minister of Rehabilitation the other day that if the policy of the Pakistan authorities is squeezing out its minorities, then why are not more people coming out after passport. Why should Pakistan prevent the passing out of a larger number of people? But it is squeezing out, not flooding out; because if very large numbers of people come out at one time, then, immediately it produces reaction in India and naturally it may create a situation which may not be very desirable from the point of view of Pakistan.

Thirdly, Sir, it is not at the Hindu minority alone that the attack is aimed, and this is a symptom which we cannot forget in consideration of this major problem today. The authorities who are in power today have carried on their administration in such a way that any attempt to give expression to democratic ideas or to owe allegiance to true freedom has been checked. How else can we explain the continued detention of that great leader, Abdul Gafar Khan or his compatriots, who, though Muslims, are rotting in Pakistan jails and against whom only a week ago, the Chief Minister of the North West Frontier Province declared his charge that they were after all the spies and friends of India and could not be trusted? How, else can we explain the recent trouble that arose in East Bengal over the language issue when as many as 18 Muslim students received bullets on their chests and not on their back because they had the courage to face the bullets for the recognition and protection of what was after all their own mother-tongue? Those

symptoms are also there. All these factors have to be borne in mind if we are really anxious for a lasting solution of this problem.

About four months ago, when I pointed out the wrong approach of the Prime Minister in dealing with statistics, he grew angry. He challenged me to produce statistics. It is not a question of a challenge or a counter-challenge, but I would appeal to him to drop the faulty method of looking at the entire problem. What are the statistics? There are said to be statistics of movement of people from one country to another. How are they obtained? There is no *dhobi* mark on each individual who goes to Pakistan or who comes from Pakistan indicating whether he is a Hindu or a Muslim, but some sort of rough and ready method is followed and a communal division of the migrants is made. Then again, the calculations are made only at two railway stations, omitting the 700 miles border between East Bengal and West Bengal, omitting the border between Tripura and Pakistan, omitting the border between Assam and Pakistan. So, when Government proceeds fundamentally on the basis of these statistics and tries to justify its wrong policy, I say, Sir, the government does something which is not only not fair to itself but unfair to the people at large. The only possible way of appreciating the problem will be to know what the conditions are in East Pakistan. I would ask the House, the representatives of 360 millions of free Indians, to make up their minds once for all whether under the existing circumstances it is possible for the minority to live in East Pakistan—that is the fundamental issue—and if they say that it is not, then to make up their minds whether it is possible for the free Government of India to take any effective steps for their protection.

I need not go into the details of the history of partition of this country. They are well known to all the Members of this House. But there is one fundamental point which is to be remembered now. What was the basis of the partition of India? The basis was that minorities would continue to live in their respective territories. I was one of those who was against the division of India under any circumstances. I supported the partition of

Bengal and the partition of the Punjab only after it was decided that the partition of India was inevitable, because then Mr. Jinnah's claim was that the whole of Bengal and the whole of the Punjab should go into Pakistan. What we did was not to agree to the partition of India but we supported a movement which led to the partition of Pakistan itself. At that time I remember I saw a number of Congress leaders and especially Gandhiji, and some of us begged of him to appreciate the real point of view, whether it will be possible for the minorities to live in Pakistan, in view of the circumstances under which that new country was taking its birth. And we suggested a planned exchange of population and property at Governmental level as part of the partition scheme. He was not willing to accept it. The Congress leaders were not willing to accept it because their viewpoint was that what they were agreeing to was not a communal division of India but a territorial division of India. They emphasised with all the depth of their feelings that there was no question of the minorities being compelled to leave their hearth and homes, either in the new India or in the new country to be called Pakistan. When it fell to my lot to move about among these people in East Bengal, I carried with me the message from these Congress leaders, one of whom adorns the position of Prime Minister of India today. Assurance was given to them that their case will not be forgotten, that if any real emergency came, free India would not sit idle and they would be protected, hoping at that time that perhaps the need for such protection by India of the minorities in Pakistan would not be necessary. Here one fundamental point India cannot afford to forget. There was no Hindu, no Sikh, no non-Muslim for the matter of that, who wanted the division of India. The demand for the division of India came from a large section of Muslims who followed the directions of the Muslim League and, therefore, the minorities who laboured hard for the freedom of undivided India, who shed their life-blood, who sacrificed everything that they held dear to themselves, when they were asked to live in a country which was foreign to India, obviously, they were asked to surrender something which was extremely dear to their hearts. Appreciation of that sacrifice came from the



leaders, came from Pandit Jawaharlal Nehru. I will read out only one sentence from the statement which Pandit Jawaharlal Nehru issued on 15th August, referring to the Hindus in Pakistan, the minorities in Pakistan.

“We think also of our brothers and sisters,” he said, “who have been cut off from us by the political boundaries and who, unhappily, cannot share at present in the freedom that has come. They are of us and will remain of us, whatever may happen in future and we shall be sharers in good and ill fortune alike.”

And, now, I call upon Pandit Jawaharlal Nehru, who is the Prime Minister of India, to fulfil this pledge which he had given in such noble words to those who had suffered with him and others like him for the liberation of their motherland. A message like that came from Sardar Vallabhbhai Patel. Of course, he went a step further and said that he still awaited for the day when this artificial partition of the country will cease and the two countries will be re-united again.

A message came from Gandhiji. Then the drama began. Blow after blow came and when people started coming out and when reports of oppression and atrocities started coming, I was a part of the Government. We considered the matter. We recognised the gravity of the situation. I went as a representative of the Government of India to Calcutta and attended the first Indo-Pakistan Conference to consider the East Bengal situation. The leader of the Delegation from Pakistan was Mr. Ghulam Mohammed, now the Governor-General of Pakistan and Khwaja Nazimuddin also was there. We spent days and days together. When I ask for strong action today, I do so not in a spirit of huff. I do so not in a childish spirit. I do so not in a fantastic mood, but I refer to our experiences, our bitter and tragic experiences of failures that have taken place during the last five years and we are asking Government to adopt ‘other methods’— the expression deliberately used by Pandit Jawaharlal Nehru in February 1950—‘When peaceful methods fail, other methods will be adopted by Government’. And I would now ask the Prime

Minister to tell us whether the time has not come to adopt other methods.

I have got the reports here. We signed agreements, pledges, promises—everything. It went on for a few months, and as usual, they were violated by Pakistan. Later, we met again here in Delhi and Mr. Ghulam Mohammed came again as the leader of the Pakistan delegation. Interpretation of the first Indo-Pakistan Conference was solemnly recorded followed by another agreement. I was a party to it. I was a party to it because even at that stage I felt that we should not leave any stone unturned for securing a peaceful and honourable solution of this problem. Undoubtedly, normally the Government will have to take charge of its people and it is for the Pakistan Government to protect its minorities. We went on that basis. That agreement was signed. Things went on again for a few months. And then came the tragic blow of January-February 1950. I need not go into those details. But even then Mr. Liaquat Ali Khan, came. He came, why? He came because he found that India's opinion was shaken to its very root. He came because he found that there were preparations of different kind going on in India. There was pressure upon him from England and America. Millions of Muslims went out from India to Pakistan. He found that it had ceased to be one-way traffic and that the same game that he was playing, others also were capable of playing. He came: he came in a mood of outward friendliness, and there was the Pact of April 8, 1950. That has gone on for the last 2 1/2 years.

So my fundamental question to Government is this: do you believe that you have any responsibility for the protection of the minorities? Panditji had said on that occasion that "they are our concern; the protection of the minorities will be a matter which we will have to take in hand. They will be rehabilitated in their homes, if possible, or elsewhere, if necessary." Now, if the Pakistan Government fails time after time, what is the answer that the Government of India is going to give? The passport system has been introduced. It is said that on account of the passport system, people are coming away. Our Minorities Minister, Mr. Biswas, the other day held a Press conference in

Calcutta and he pointed out that passport was only a symptom, using the same language as we are using, that was not the main cause for people coming away. Something deeper was happening behind the scenes, and it might have added to the panic, to the fear. But if everything else was all right, why should the mere adoption of passports create such terrible panic in the minds of people that they should be forced out of their country?

Now, here I come to the present dangerously complacent attitude of the Government, and specially of the Prime Minister. I was amazed to hear his statement, which has been repeated many times, telling the public that the problem is practically solved, that people are not coming in large numbers, that there are no passport difficulties—they are virtually nil—and that except the matter of rehabilitation which, of course, is undoubtedly important, for the time being there is no other trouble. I join issue with him, Sir. That is not the correct position. Undoubtedly the number of people has been reduced. An hon. member said the other day that it was an inconsistent attitude. 'You say on the one hand that these people are being squeezed out and on the other hand, they are being prevented from coming. So if Pakistan wants to drive them out, why are not people coming in larger numbers?'

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.... The point is that Pakistan policy is that the minorities either should go or those who remain will remain as converts or serfs. It is clear. It does not intend that all should go out. If people accept the kind of living which is open to them in East Pakistan, then perhaps they may continue to live there. And Pakistan does not desire that people should come out in very large numbers, because it knows that it will then immediately produce tremendous reactions in India.

So far as passport is concerned what is the position? The Prime Minister has given some figures. I have got the official figures. Up till 15th October every day thousands were coming—seven, eight, ten thousand per day. Suddenly from 18th October the number dropped to zero at one stage. None came. From 18th October to 2nd November at the station of

Bongaon which was receiving five, six, eight thousand people every day from East Bengal, the number was actually nil—zero. Is it to be seriously suggested that just overnight conditions changed there so miraculously that people stopped coming for so many days together? Similarly, with regard to Banpur the number dropped to eight, six, some days ten, some days eleven and some days zero.

Now in the papers reports are appearing as to the reasons why the people are not being able to come and they are appearing daily. What is this passport system, Sir, people have to go, submit their applications, present a form, fill it in, make a payment and have all sorts of enquiries to face. The matter goes to the police. Photographs have to be given and the latest reports published in yesterday's papers show that now the price of each photograph has gone up tremendously. You cannot get a photograph unless you pay 10 rupees, 15 rupees. And it affects whom? Not people in the urban areas alone. It affects thousands and thousands—and they live in villages. It affects people who are ignorant, who are illiterate. Those who have come have written to us, have seen us and they describe the state of affairs which is extremely delicate and dangerous. Thousands of people there who had come out of their homes for the purpose of coming over to India were detained suddenly on and after 15th October. When I met Panditji in Calcutta at that time, I specially requested him to take steps so that these people who might have numbered two lakhs or three lakhs might not be trapped. They had come out of their homes and they were somewhere on the way, and the bulk of them were illiterate, ignorant, poor agriculturists, land labourers etc. It is not rich people today who are coming in large numbers. They have come out already. And pathetic reports came to us about their condition. Some of them have gone back; many of them are untraced—I do not know where they are today. And then when they have to start this process again, passing through the passport regulations and coming over to India, it is not an easy matter. So it is not that everything is all right and people could just come if they wished, or need not come if they did not wish. A report reached us day before yesterday that thousands have

been waiting near the Dacca Passport Office. Many of them have come from distant parts and they do not know where to sleep at night. The steamer service has been cancelled. Does the Government of India know that the steamer service between Narayanganj and Goalando has been stopped? It is one of the most important routes in Eastern Bengal. Some other steamer routes have also been cancelled, so that even if people wished to come out it will not be easy for them to do so.

People are anxious to sell their properties at any price. There is a ban, which has been reported in the papers, given under the orders of the District Magistrates: "Don't purchase properties of Hindus." So that, practically for a long they are selling off their properties without registered documents and they are coming away as virtual paupers.

This is the report which was published five days ago in one of the papers in Calcutta, giving the statements of Muslims who have come from East Bengal to India. I think their statements should be accepted more readily by the Prime Minister, because there is no communal colour there. What is it that they have said. Janab Rahim, a sixth year student crossed over after securing the necessary passport. He said he could secure his documents after efforts extending over twenty-two days. Then Janab Akbar Khan, who entered India with a passport described that a large number of people were waiting at Dacca and with great difficulty he could secure his travel permits to come over to West Bengal. A Pakistani Christian gentleman described that after strenuous efforts and by speaking to some of the high officials at Dacca he could get his passport. Then, of course, there is a Hindu also who has supported this testimony and has stated how he and other were deprived of whatever money they had and they had come as virtual paupers. This is what is happening after the introduction of the passport system.

I do not want to go into details, but I should mention that a passport size photo is now costing Rs. 10 in East Bengal. And

a class of lawyers have suddenly come up, who pose as experts who could secure passports easily and they are charging Rs. 40.

Then another report has come from Tejpur (Assam) side. There, the Deputy Commissioner of Durrang has been apprised of the situation. It is of a different type. About 250 Hindus who were coming out were prevented and only Muslims were allowed to come. The Deputy Commissioner has sent a 'strong' protest to the East Bengal Government.

Similarly, there is a letter which I received this morning. It is very interesting and I do not know whether the Prime Minister knows about the position. This happened three days ago in Calcutta. A Hindu gentleman wants to go back to East Bengal for certain private purposes. He went to the Deputy High Commissioner's Office in Calcutta and he writes to me that after repeated efforts, going from day to day, he failed to secure the passport and on the last date he was told that he is now required to prove his Pakistan citizenship by documents or other material which he must bring or secure from Pakistan so as to get back to East Pakistan. This certificate must come from a Union Board President or a gazetted officer in Pakistan and if he cannot manage to get it there is no chance of his getting his passport. He says that this rule was changed three days ago.

Another letter which I got today is a copy of a letter which has been sent to the Prime Minister by one Dinesh Chandra Sur. I do not know him. But he gives a pathetic tale as to how his mother has been detained in East Bengal. His father has come out. They sold their property—a sort of exchange between a Muslim who was in West Bengal and these Hindus who were in East Bengal. After having got the house the demand came for cash money, which they did not have. His wife has been detained and these people have sent a pathetic appeal to the Prime Minister that some quick steps may be taken for the recovery of their money. This letter came only today: the original is with the Prime Minister.

A report has come about 8,000 Hindus who are stranded. I mentioned about this to the Prime Minister in Calcutta. We have, as you know certain Indian enclaves, a sort of pockets within East Pakistan near Jalpaiguri. There are about 8,000 Hindus living there and it is impossible for them to come out, because they have to pass through Pakistan territory and they will not be allowed to do so without passports and nobody is being allowed to enter into those areas. Government have protested; the people have sent frantic wires with regard to their desperate position. I can give hundreds of such instances but it is not necessary. All that I want is to demolish the hollowness of the argument of the Prime Minister that everything is all right: that the passport system is there—people may come if they wish, and if they do not wish they need not. That is not so. What is happening there is the Pakistan Government has adopted measures to make it difficult for these people to come. Forget not the moral depression of these people. What is their mental state now? Many of them are poor, illiterate. They were running from here to there and today they are face to face with this intricate problem of getting passports under difficult conditions.

We talk of Harijans. We have a special provision in our Constitution, for looking after them. Does the House know that out of 95 lakhs of Hindus who are in East Bengal, more than 50 lakhs are Harijans. I met some of their representatives. Some of them described to me their pathetic conditions. There were Namasudras who could stand and fight. But the oppression that has been pursued makes it impossible for them to live. They do not care for rules or regulations. They know how to get their birth-right. But they stand today completely humiliated and weakened.

What will happen to them. They say: We came to India for rehabilitation: we have got it. Our children have died. We are going back, What is the crime we have committed? We did not want Pakistan. You asked us to live there and it is only because we are Hindus we are facing this crisis. We

will embrace Islam—we will surrender ourselves. Will it bring credit to India? Will it be something of which Indian can be proud?

Gandhiji gave his life for the cause of Harijans. Everyone talks in the name of Gandhiji—Gandhian ideology, Gandhian philosophy. I know the circumstances under which Gandhiji went to Noakhali, because the majority of the people there belonged to the depressed classes. You have now handed over these 50 lakhs of people to a *Raj* which does not know how to perform its elementary duty and they are facing slow death.

I look at this problem from two points of view: one rehabilitation and the other the future of these people who are still in East Bengal. Rehabilitation must naturally be continued. I do not deny the importance of it. I am prepared to say at the very out-set that so far as rehabilitation is concerned, it should not be made a matter of party politics. It is a national issue and it is the bounden duty of all irrespective of political differences, to offer their wholehearted co-operation for making rehabilitation plans a success, provided such co-operation is sought and provided also that rehabilitation and the administration of rehabilitation are really consistent with the requirements of these unfortunate people and also with national demands.

People have come from West Pakistan—65 lakhs of them. You have spent Rs. 130 crores. Have you been able to rehabilitate them completely yet? What about their compensation? Their verified claims. I am told, come to about Rs. 500 crores. Then there is the question of their agricultural land. There is so much yet to be done. I do not blame anybody. It is a stupendous task—65 lakhs of people to be cared for, although the bulk of them have been rehabilitated on land and in occupation by a bloody process of exchange of population and property. The Hindus came and the Muslims went. I was in the Government. It was not desired that this should be done. But events over-took the Government and then the very Government which would never look at exchanges of population under any circumstances yielded to this gigantic pressure. You



know what terrible days they were for Hindus and Muslims—for both. But in spite of all this we have not been able to do our duty towards these large number of migrants from West Pakistan. From East Pakistan 30 lakhs have come. During the last few months another 3 lakhs have been added. Yesterday the papers said that the West Bengal Government has asked for another Rs. 30 crores. Where will be your planning schemes? What are you going to do if another fifty or sixty lakhs of people are pushed out of Pakistan and they come over here? You will have to spend another three hundred crores of rupees on their rehabilitation only. If you have to compensate them, there will be at least one thousand crores of rupees worth of property belonging to Hindus which are lying in East Pakistan. Will you be able to rehabilitate or look after them? And why should India be placed in this position and allow her own economy to collapse?

We accepted partition under certain basic conditions. When that basic condition is not observed by Pakistan, then the very basis disappears. From that point of view the partition stands annulled and India is not bound by her commitments. It is not my wording alone. The Prime Minister himself has declared from that very place that the basic condition is that the minorities must be protected by Pakistan. We have done our duty. India has protected its minorities. In spite of so many odds and difficulties, as any one would have seen from our discussion of this problem. We have never allowed it to be looked at from a communal plane. It is a political problem. It is not a provincial problem. It is a national problem, and we must find a national solution for it. Killing of some innocent Muslims because Hindus are butchered in Pakistan will be a vicious circle and is most inhuman. The true interpretation of Hinduism is that if a man goes wrong you should punish him, but if a man is innocent and you go and cut his throat that simply poisons the atmosphere. It does not save people.

That is why we have been pressing over and over again: Wake up, Prime Minister, realize your responsibility, do not allow the situation to go from bad to worse, do not allow the

elemental passions of man to take charge of the situation, function as a responsible government and fulfil the pledges you have given.

Rehabilitation must be done. But rehabilitation is not the only problem. The problem is with regard to finding out means for the safety of these people so that they may live in their hearth and home.

What is the position in Pakistan? Hindus have no place or status there. I shall read out only a few words from a speech which was delivered in the Pakistan Constituent Assembly by a Member of the Pakistan Constituent Assembly in March last. The name of that Member is Mr. Bhupendra Kumar Dutt. He was a member of the All India Congress Committee. Twenty-three years of his life he spent in jail for the cause of Indian freedom. He has not come away from Pakistan. He decided to live there. He found what had happened in Pakistan during the last five years and he had the courage to stand up on the floor of the Pakistan Constituent Assmebly and throw his charge against the Pakistan Government. He did not do it by means of a statement after running away to India. I admire his courage. I wish there were more men with that courage who could have faced the facts as this gentleman did. What did he say? I shall just read a few words because this will give a correct impression to the House and to the country as to how things are happening in East Pakistan which make it impossible for any one to live there unless he completely surrenders to the authorities. He says thus:

"So far as this side of Pakistan is concerned, the minorities are practically liquidated. Those of us who are here to represent near about a crore of people still left in East Bengal live under a total sense of frustration. I stand here as the representative of a frustrated people."

Then he refers to what happened after February, 1950. I am not going to ancient history. I am referring to the manner in which the Delhi Pact was deliberately torn to pieces by the Pakistan authorities. My charge is not against the people of Pakistan. In all my speeches and utterances I have

distinguished the difference between the Pakistan Government and the people of Pakistan. I cannot have the temerity to say that all people in Pakistan are bad just as I cannot say that all the people in India are good. There is a mixture of good and evil. But it is the Government there which is functioning ruthlessly, tyrannically and in a manner which makes it impossible for the people, specially Hindus to exercise their fundamental rights. This is what he says with regard to what happened after 1950. After the 1950 Pact secret circulars were issued by the Government.

“A circular went out to all thana officers to report on the extent. Nature and source of influence wielded by particular individuals of the minorities (Hindu) community and the forces and parties that might work against them”—a complete circular for getting information. “Another circular went out asking heads of many commercial firms to obtain the previous approval of the District Magistrate before giving employment to any non-Muslim (in East Bengal). Few firms would undertake the trouble of obtaining the District Magistrate’s approval for favouring a non-Muslim with a job.”

When this circular was mentioned on the floor of the House earlier, it was challenged and later on a copy of this circular had been sent to the Speaker by the European Secretary of a commercial organisation and the copy was with him.

That was the second portion of his observations. Now comes the last and most amazing one which has a direct bearing on the Delhi Pact:

“The latest came a few months back. It was addressed to all District Magistrates—a fourteen page circular. It instructed them by no means to return the lands and properties to the returning migrants but to distribute them among the (Muslim) refugees. The returning migrants were to be put off on some excuse. A long list of statutes and orders and the relevant legal bars were to be put forward in each case one after another. The more significant line follows. In dealing with all other matters the District magistrate was to bear in mind the instruction in this behalf: ‘Talk sweetly to minorities and their representatives, even with smile on your lips. You have earned the compliments of persons like the hon. Mr.

C.C. Biswas who have stated that it was only some subordinate officials who were responsible for the troubles' (hoodwinking even the eagle eyes of my hon. friend Mr. C.C. Biswas) 'try by all means to maintain your reputation. Keep this instruction secret. Do not trust other officers. They sometimes mismanage and mishandle things'."

Do you want any other commentary on the sincerity of the Pakistan Government to put into operation the provisions of the Delhi Pact? It is not a statement manufactured by communalists and reactionaries in India. It is a statement which was read out on the floor of the Pakistan Constituent Assembly in the presence of Khwaja Nizamuddin and the rest of them. And he did it at the risk of his life. He had the courage to face the Pakistan Constituent Assmebly: He could even be killed, but there he was to expose Pakistan Government and specially the manner in which they were running the administration of the country.

I do not wish to read the details of it, but he gives his comment:

"The Delhi Agreement has never worked in its proper spirit, not because of any inimical relations subsisting between the (two) communities (in Pakistan) but because of the official dodgings, manoeuvrings and manipulations that are the outcome of the circulars and resolutions."

Since I have read a portion of the statement, according to the directions which you have very often given. it is my duty to place the entire statement before the House. If you permit me, Sir, I place it on the Table of the House so that any Member interested in reading the entire speech may do so.

I can give you other illustrations. But I do not wish to do so. I shall only say this. What has been the nature of the oppression? The other day my hon. friend Mr. Jain said "We are not hearing many instances of oppression now". How can he verify? Neither can he admit, not can de deny. That sort of statement was made by my friend Mr. Jain—who is smiling at the ludicrous nature of his answer!

So far as instances are concerned I have got nearly about five hundred of them. I cannot obviously go through them.

I do not wish to tire the patience of the House but the most painful and the most humiliating aspect of these atrocities has been the tragic dealings with Hindu women. One's voice is choked completely to make any public speech on an issue like this. If you read the names, addresses and the manner in which this violation has gone on during the last few months it staggers one, Sir. It was the carrying away of one Sita that created the Ramayana. It was the disrobing of one woman. Draupadi, that created the Mahabharat and today even though large scale outrages have occurred we are sitting tight, helpless, impotent, If you bring this to the notice of the Government, they will say "Well, we need actual proof". Who can prove this? Is it always possible for people to go and prove such incidents in a court of law? It is said reference has been made to Pakistan Government. Pakistan Government's reply is "No. Nothing has happened". I do not wish to refer to those details but the number is large and the list can be supplied. Of course that will go to the Record Department of the Government of India which will not help the unfortunate people in any way. I can give you four or five examples of atrocities. One relates to Chittagong Hill tribes. The Prime Minister remembers this. We discussed and discussed about the fate of 95 per cent of Budhists and the hill tribes in the small territory which unfortunately went out of India although the Muslim population there was only 2 to 5 per cent. Do you know, Sir, that they have been pushed out? Many of them have been killed. The entire area has been cleared up. A new batch of 500 tribesmen has been recently forced out of the Chittagong hill tribes. How deliberately they have been turned out of that area! And they are moving about as beggars in Assam. I next refer the Prime Minister to a statement which was issued by the President of the West Dinajpur Northern District Congress Committee. I have taken special care to take statements issued by Muslims and Congress leaders so that they will carry conviction with the Prime Minister more quickly than otherwise. Here is published the result of enquiry which

the President of the Dinaipur Congress Committee carried on accompanied by some Muslims indicating how the atrocities took place in the last few weeks when people were coming out from East Bengal to West Bengal. Then I refer the Prime Minister to the manner in which humiliation and insult was offered to some officers of the Government of India.—Mr. Burman, Collector of Central Excise. Shillong,—how he was harassed and insulted and he himself saw the instances of similar harassment as he was coming out from Pakistan. I feel greatly relieved to read the announcement that the Government of Assam has sent a very strong protest to East Bengal Government. It is not a strong protest, it is a very strong protest. Perhaps everything will be all right now. Similarly with regard to conversions. A large number of conversions have taken place. Hundreds of them were reported. I am taking here a typical case from the Pakistan paper *Azad*, I have got cuttings from this paper. It is under Maulana Akram Khan who was once a great Congress leader. There he describes how Hindu young girls are embracing Islam and he has emphasised that they are doing so out of conviction. It is described how insistently they urged in favour of conversion and Muslim leaders had to agree. Their names are given and then it is added that the majority community there is kind and generous, immediately arrangements for marriages are made and a large number of youths come forward willing to marry such girls if they only embrace Islam. Names and addresses are given. The finishing touch is equally interesting. Relations of the converted family who had gone away to West Bengal for rehabilitation have come back and are also voluntarily embracing Islam. Then I will give two other cases. Sir P.C. Ray was one of the great Scientists of India, in fact many of the great men of Bengal, Like J.C. Bose, C.R. Das, all come from East Bengal. In his (Sir P.C. Ray's) village a few weeks ago, after the introduction of the passport system, a horrible incident has taken place. A leading Doctor, Behari Lal, was approached by some Muslims. They told him that he should invite them to a dinner. He agreed. They said they were 50 but actually 80 men came and naturally the good Doctor was unable to find the necessary

eatables for such a big party. They said "You need not worry, we will look after ourselves". They went to the Goshala, got hold of a calf and then that was killed and food was prepared. The Doctor was asked to partake of it. He had to. After the party had gone away the Doctor went to his room and committed suicide. A few hours later his wife came and she saw the dead body of her husband and she also did the same. Their family has come to West Bengal and details have been published. Another incident occurred in Rangpur where a Doctor was invited to the house of a certain Muslim who was anxious to get hold of the Doctor's girl. After he had gone there that offer was made. The Doctor refused. He was detained there and the members of his family were brought to his house. When the girl saw that they were confronted with a dangerous situation, she volunteered to save the life of her father. The father was released. The next day a so-called marriage took place and in the evening the girl committed suicide. The number of such cases is not known. I have only got the names and addresses of some that have reached us. An iron curtain is there. The administration of that country has morally collapsed and a larger number of people is coming from day to day. I myself feel how difficult it is for these people to resist this for such a long time. In a village in Rangpur, on 28th September, a Hindu girl who had just been confined was forcibly taken out at night and her dead body with blood was found in a field the next day. These are horrible instances. We have got a number of such cases before us.

Border incidents are taking place. Why this insecurity today? Today's issue of *Hindustan Times* gives details of a border incident in Assam where firing was continued by Pakistan for two days and the fun of it was that at that time a conference between the Chief Secretaries was being held in Shillong for discussion as to how peace could be established in that area. Of course a very strong protest has been sent to East Bengal Government. In Tripura border, the Prime Minister knows,—and a copy of the telegram has gone to him.—a large number of people came a few days ago inside our border and hoisted the

Pakistan flag on the Indian side of the border. It might be a small thing from that point of view but this is the way in which things are going and what is the impression that is produced in the minds of the people when the Prime Minister says "everything is all right except some insecurity and so on"? He may declare his helplessness but for heaven's sake, do not say things which are not true. That will be like throwing salt into the gaping wound. You may not be able to protect them, you may not be able to help them, but do not minimise the gravity of the situation. Unfortunately, the statements which the Prime Minister made during the last few days will form part of Pakistan propaganda. They will retort and say "Here the Prime Minister himself says there is nothing except some stray incidents here and there", and humiliation and repression will continue.

What is the remedy? We have suggested some remedies and these are the phrases that have been hurled against us: childish, fantastic, quack: I have forgotten the other phrases. They come one after another. That is not the way the Prime Minister should respond. He has not sent for us. I could have understood his calling the leaders of all parties and sitting together to consider this question. I do not want this to be made a party issue. We do not wish to play with fire. We know the dangers inherent in the situation. This is not a matter which Government alone can solve. We are here to offer a hand of co-operation. But, we want a solution. We do not want that people should be killed by inches. If they have to die, let them die once for all. But, this is a chain of terrible humiliation and misery which affects not individuals alone. But which humiliates the status and stature of the nation. We have given some remedies: other remedies may be suggested. Economic sanction is one. Naturally demand for land is one. It was Sardar Patel's remedy. If one-third of the population who happen to be Hindus is pushed out, Pakistan must give one-third of the land. We cannot ruin the whole country of India for the misdeeds of Pakistan. There must be a re-partition of the territory of Pakistan and these people must be settled there. Some say we



must have an exchange of population. That is not an easy matter. There also the question of rehabilitation will come. The Prime Minister will retort, how am I going to get land. If Pakistan takes four crores of Muslims, they may demand more land. They may say, more Muslims are coming. But, some Muslims do not wish to live in Pakistan unless they belong to a particular type of mind. To this one may reply, one-third of Kashmir is with them. That may be *quid pro quo*. That area is as big as half of Bengal. That is a question of argument. Exchange of population and property on a Governmental level, not through the hands of men: that was suggested some time ago. To that also he will naturally reply, how can I push out people if they do not wish to go out of the country; they live under a Constitution: how can I do it? But, the main problem is not solved. I agree that in both these cases, the problem is not ultimately solved. This tremendous problem of rehabilitation comes. We have seen the horrors and consequences of lakhs of people coming from the West and the East. We may have to face the horrors again. We have therefore said that Government must take the responsibility for the safety and protection of the minorities in that area and give us a political solution.

It was once said, that I was a warmonger, how am I going to take charge of East Bengal? That was not indeed my remedy. I always quote bigger names in support of the remedies. That was a remedy which Gandhiji suggested. Rajkumari Amirt Kaur will remember that. She and I saw him a few weeks before his death. We were discussing this question. He came out with fire in his eyes. He said: we did not agree to the partition of India for this terrible problem of rehabilitation causing misery to millions of people: it was on a certain fundamental basis: the minorities must be protected; they must live in their own homeland; no question of their being turned out as beggars. What was his remedy? He said: let India play her part; you protect the minorities; let not one man be turned out from here: then turn towards Pakistan and say, we have fulfilled our part, but you have not; it becomes a world problem: it becomes a

moral problem. The words which he uttered are still ringing in my ears. He said: if Pakistan fails to do so, if there is no other remedy, you must take charge of East Bengal; let Government take charge and protect the people. He added: I cannot join the war; I do not believe in it; but I will bless you that you have the moral courage for it. Rajkumari Amrit Kaur will remember that. He dealt with this in one of his speeches also. I am not advocating war; but if there is no other means of protecting the minorities of East Pakistan except to take charge of that territory, Government of India will some day have to consider it. I am not using this word lightly; I am not saying that immediately war should be declared. It would not be necessary also. There was no war in Hyderabad. They are not ready for war. Goondaism does not wish to face war. They want to gain something without sacrifice. Only if the Prime Minister says Government will act firmly and adopts a policy not of weakness and appeasement, you will see what happens. He is proud of appeasement. I am amazed at it. He may say, I cannot find a solution: I can sympathise with that. But, he glorifies appeasement and goes on appeasing. At whose cost? If he does it at his own cost. I do not mind, though I shall be sorry. But what right has he to appease at the cost of the nation? It is a question of the honour and self-respect of India. Something has to be done to prevent a major catastrophe.

It is not for us to suggest remedies nor can many remedies be openly discussed. There sit the Government. They are doing whatever they like in respect of all matters. Does the Opposition go on giving advice to the Government and is there any moral obligation on the Government to accept that? We may have the privilege of making some suggestions and let him have the pleasure of rejecting them. But, it would not do for him to say that it is fantastic and all that. Let him find a solution which will, in the real sense of the term, solve the problem. We will all be with him. Let there be a solution. We want to settle the question by peaceful methods. Here our Communist friends will speak. They have not agreed with us. We, all the parties barring the Communists, have stood on one platform in this respect. The

Congress cannot come. But, I know there are lakhs of Congressmen who feel in the same manner as we do. If any peaceful method can be found, do it. Who wants war? Who wants trouble? I know what the horrors of war are. No one is saying, declare war tomorrow. Find out an effective solution by which these people can be enabled to live exercising their elementary rights without being ruined as refugees or beggars or slaves.

The Prime Minister very often says he believes in a healing process. Undoubtedly. Healing by what means? Healing by curing the disease? If there is cancerous growth, will you put sandal oil on the cancer and heal it? You will have to go to the root of it. You will have to appreciate what the disease is. Now, Government are running away from the real problem. That is what shocks me and pains me. They just say, there is no problem, people are not coming. But, coming or not coming, the disease is there. Can the people, who are sitting here, go and live there? I made a suggestion in 1950. Until you can go and settle there with your wives and daughters, you cannot realise the agony of millions. Sitting far away, it is easy to deal with abstract theories, but once you place yourselves in their shoes, you will realise where exactly the pain lies. They never wanted this partition and they demand fulfilment of past pledges. We also want the healing process. Let us not talk of Gandhian ideology. Whatever Gandhiji was, cowardice was not within his ideology. Inaction was not within his ideology. He would never have sat quiet and helpless. When I came to Delhi and reported about the happenings in Noakhali, everything else became secondary to him. He came to Calcutta and we gave all the details. He had his own way of doing things. We might or might not have agreed with him. At the time of the Dacca riots, I came and reported to him. He said publicly in *Harijan* next week, that his first remedy was that people should go to the assailants and die and sacrifice themselves. I said, that was not possible: if a goonda comes to attack me, the Penal Code gives me the authority to kill him; I may not kill an innocent man: but the right to attack a man who wants to injure me is a right that I

get under the law. He said, you may do so. Then he added: resist non-violently if possible, violently if necessary; but never submit to a wrong. I ask the Government to accept that as the policy. Resist this national wrong.

The Prime Minister said four days ago in his statement:

"I am quite clear in my mind that the ultimate remedy for the ills of Indo-Pakistan relations is to apply the touch of healing to them and not the touch of loud shouting."

Let us do it with small shouting.

"That does not mean that one should submit to wrong things."

I have underlined it. That is what I am asking today. That is my charge against him that he is submitting to wrong things.

Not only are you submitting, but you are making the people submit to wrong things, and you are humiliating the entire nation. He adds one should resist evils all the time, and should be prepared for any emergency, whatever it is. When will that emergency come. I ask. Thousands have been killed. Hundreds of women have been kidnapped, raped. So many lakhs of rupees worth property have been looted and destroyed. The entire morale of the people has gone. Still the emergency is to arise. What more do you want? Say. "I want so many more people to be killed or so much more wrong to be committed; when that report comes, I shall declare an emergency." Let us know what is the limit. We will then patiently wait and see. But this emergency will never come under the Prime Minister's leadership.

Lastly, I would conclude by saying—peace, undoubtedly, is wanted but peace with honour. Let us follow the path of peace. If we can lay out a scheme whereby we can finally solve this problem, peacefully, then let us do it. But if not do not submit and the greater the delay the Government makes in solving the problem, the greater the possibility of repercussion coming within the country. That must be avoided at any cost. Now nothing has happened but Pakistan has carried on false propaganda that 400 Muslims have been killed in Malda. I am

glad today the Government of India's protest has been issued in the press. That is exactly what Pakistan has been doing always, to put India on the defensive. Among these false propaganda stories is that of 400 Muslims being killed in Malda. Government have come out with a very, very strong protest that has been published in today's papers. But propaganda will go on unless India's policy is substantially changed. It is important to realise this and decide upon our course of action so that Government will be able to secure the willing support and co-operation of millions of countrymen in India for averting a national disaster.

If the Prime Minister feels that a case has been made out for re-examination of certain important provisions, for instance land, if you feel that land should be taken without payment of compensation, provide for it in the Constitution. You consider all these items and make your provisions so elastic that you can apply them either to the whole of India or you can apply them to only such parts where this Parliament of India will feel that such special treatment is necessary. Proceed in accordance with a constitutional manner, not just play with the Constitution. It is a sacred document, and it is a document on which much labour and much thought were bestowed. If you feel some changes are necessary in order to take into consideration the new set up that is slowly developing in India, whether in Kashmir or other parts of India, by all means let the people of the country have a chance to express their opinion.

Lastly a charge was levelled that some of us have advocated separate consideration of Jammu and Ladak. I would assure you and the House that I do not want that Jammu and Kashmir should be partitioned. I know the horrors of partition. I know the results which may ensue if partition comes. But the responsibility for preventing partition will rest on those who are today the masters of Jammu and Kashmir and are not prepared to adopt the Constitution of India. What is the crime if today the people of Jammu claim that they should be treated separately in the sense that they should be allowed to joint fully with India—mark it, it is not a question of running away from

India—if they say that they would like to accept *in toto* the Constitution of free India, is there any crime that they then commit? I am not suggesting that you send Kashmir or Kashmir valley out of India. And it is not for me or for us sitting in this House to decide this matter. As the Prime Minister pointed out very rightly, it is the people of that territory who will have to decide. Now suppose the people of Jammu and Ladakh feel that either it should be full accession in relation to the whole of Jammu and Kashmir, or if that is not acceptable to Sheikh Abdullah, then at least these two Provinces, the two separate entities could be justified historically or other-wise, that they should be allowed to join with India. Let Kashmir continue in any way that it likes, even with more autonomy, with less possibility of interference by India; that is a possibility which we cannot rule out. I hope that this question will be considered in its full possible implications.

My friend for Kashmir, Maulana Masuodi, for whom I have very great regard—I tried to follow his speech this morning—referred to Jammu, the last question which I would answer. Well, if this demand is made by Jammu, he said Jammu is a Province which in 1941 had a Muslim majority. He said that, but did not complete the story. Undoubtedly it was a Muslim majority Province in 1941, but it became a Muslim majority including those districts which have now fallen into the Pakistani-occupied area. So, if you exclude those areas.....

Are you going to surrender them?

I am not going to surrender them. I am very glad he has put the question. The Prime Minister says that that area will not be re-occupied, but it is a different question. You are not going to re-occupy it, and it is not possible. In any case those people have worked against Jammu and Kashmir, they have become, as has been repeatedly said more friendly to Pakistan than to India.

If you take the 1951 census figures—the figures have not been published, but it is on the basis of the territory that is under our occupation—75 per cent of the population of Jammu

will be Hindus. But I am not proceeding on the basis of Hindus and Muslims. Let me make it clear. I am proceeding on the basis of the will of the people to come to India either in whole or in part. If these two Provinces Ladakh and Jammu say that they will come to India with all these subjects, make it possible for them to do so.

The same right which you are claiming for Kashmir may also be demanded by the people of Jammu and Ladakh. Let us proceed in a friendly spirit. Sheikh Abdullāh himself said about a month ago that he will have no objection if the people of Jammu and Ladakh really felt that they would go to India—I am not saying that you proceed in that way, but let it be possible for the people residing in those areas to make up their minds which way it will be good to proceed and it will also be consistent with the same principles of self-determination which constitute the basic claims of Sheikh Abdullāh., supported by the Prime Minister.

## Foreign Policy of India

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I would like to judge our foreign policy not only from the point of view of what is happening outside but also another test. Undoubtedly, no country says today that it is working for war. We read a statement today issued by Stalin's successor and he emphasised that the greatest need of the world today was peace and there was no problem which could not be solved through peaceful methods. In fact, whenever statements are issued on behalf of all countries, they are more or less of a similar nature. In spite of these, the conditions now obtaining in the world are giving us anxiety. What can we do under these circumstances? Obviously, if we shout from the housetops that we want peace and raise our voice higher and higher, peace is not necessarily to come. We may make our contribution, as I suppose we have been doing in some measure or other that we do not want war, because war, if it comes, will not confine itself to one particular sphere of the globe but will spread to all parts. From that point of view our foreign policy has been applauded and the Prime Minister has taken credit that he is trying to adhere to that policy of peace.

I shall not dilate on that aspect. The fears which have been expressed that if there is too much dependence on economic matters on big foreign powers, it may lead to serious consequences, are not entirely unfounded. Whether there is any conscious attempt to have such consequences followed in actual practice or not, is not possible for us to say. But that is a matter which naturally should be kept in view at every possible stage.

But, I would like to judge our foreign policy in regard to the

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\* Lok Sabha Debates, 16 March 1953, Col. 2096-2106



success or failure that has come with regard to matters concerning India in international relationship. And, if we examine those five or six outstanding matters which have been hanging before India during the last five years, undoubtedly ours is a history of dismal and dynamic failure. What are these cases? We have the case of the Indians in South Africa. Have we been able to contribute anything for the purpose of saving the interests of those people, who are obviously being oppressed? What about the cases of Indians in Ceylon? Have we succeeded in doing anything in that sphere? What about liquidation of foreign pockets in India? The Prime Minister announced on the floor of this House a few months ago that there can be only one basis for negotiation and that was the re-union of those parts with India. We were extremely glad to hear such a bold announcement. But what has been done? The report which has been circulated is distinguished in its meagreness. It is even worse than a time-table. We do not get any information here and we would have liked to know something about the working of the Embassies and various other matters. I am prepared to agree with the Prime Minister that there are many matters regarding foreign policy which cannot be discussed openly, but still the report might have been a little more informative and interesting. With regard to all such matters we do not get any inspiration except that communications have again been sent for the liquidation of such foreign pockets in India.

Then again there is the question of Indo-Pakistan relationship. The other day—I was not here—the Prime Minister described us as helping the enemy of the country. I do not know which enemy he was thinking of. If it was Pakistan, I am glad to find that at least even while attacking us he regarded Pakistan as the enemy of India. What exactly is the basis of our Indo-Pakistan relationship? There are so many matters which are pending for solution. There is the question of East Bengal minorities, which I know the Prime Minister himself has been referred to as one of the outstanding problems that have got to be settled with Pakistan. There is the question of the passport

system and the tremendous difficulty which has arisen as a result thereof. There is the question of Canal water and the campaign of vilification that is going on against India in respect of this matter. There is the question of the Evacuee property and there is the question of Kashmir.

Now, with regard to all these matters what we find is that practically our policy has failed. I do not advocate that you should declare war on all these countries which have been unfair to India, but even in sphere of diplomacy there might have been a little more imagination, a little more strength shown so that India could have got what India really deserved to get. So, if you judge our foreign policy in respect of the vital matters which concern India's self-respect, India's honour and India's dignity, India's interest there, unfortunately, you find that our success is nil. It is not a question that I am merely saying that India's foreign policy is bad. Foreign policy, of course, changes in relation to events that are changing in the entire world. But, it would be much better for us, instead of talking loosely about the rest of the world to look at our own home problems, problems affecting our international relationship and ensuring conditions so that we may be able to remove the causes of fears and grievances which we may honestly entertain. With regard to this Indo-Pakistan relationship, I find from the report that there was this Bagge Tribunal. You know, Sir, there was the Radcliffe Award and there was difficulty in the interpretation of certain recommendations of the Radcliffe Award. So the Bagge Tribunal came. We understand that no effect has been given to the recommendations of the Bagge Tribunal because Pakistan has not agreed to play its part. So I suppose after Bagge. I do not know which Tagge or Ragge will come. I do not know who that some other gentleman will be who will study facts and adjudicate between the conflicting claims of India and Pakistan. I read in the Calcutta papers, and also from the proceedings of the West Bengal Legislative Assembly, that raids have become frequent, almost every day there are raids on the district of Nadia, murder, taking away of properties, taking away of women and all sorts of atrocities are

being committed. There the Government gets up and says that we are sending protests but, unfortunately, we have not been able to prevent East Pakistan from doing this. The Pakistan Budget has been announced today. Our own Budget is dependent upon our getting Rs. 18 crores from Pakistan during this year, and that is how we expect to get a surplus of about Rs. 48 lakhs, but from the Pakistan Budget which has been announced today we find that it makes allowance for no contribution to be paid to India during this year. These are vital matters which have to be considered by us and I would like to know from the Prime Minister what exactly is the policy that he proposes to pursue for the purpose of securing the just rights and claims of India.

In the Report it is said that in regard to the recovery of abducted women while 1289 were recovered in India during the last year, we could recover only 479 from Pakistan.

Out of how many thousands, we do not know. That figure has not been given. It was about ten thousand or fifteen thousand, as given by the late Mr. Gopaldaswami Ayyangar two years ago. I do not know how many thousands still remain to be recovered there. So, in regard to that matter—and I am taking some at random and collecting them from the report which has been circulated—we find that although it is a vital matter, in respect of it there has been complete failure.

With regard to Nepal, I wish to say a few words. My hon. friend spoke about Nepal. Of course, he referred to Nepal from one point of view, that is, the possibility of infiltration. I am not thinking of infiltration from America alone. There is the possibility of infiltration from the other side, *i.e.* Tibet also, about which reports have been published in the news papers. I agree that our handling of Nepal has somehow been unfortunate. The resolution passed by the Nepal Congress and published today is a rather sad commentary on the manner in which we have handled the affairs of Nepal, Somehow, our frontiers on the northern side, namely, the impregnable Himalayas, have today broken down and there is no reference in the Report as to what steps the Government are taking for the purpose of securing

the strategic importance of that particular area. These are matters which vitally concern us. Undoubtedly, we shall think of internationalism. We shall think of all the rest of the world. But unless we are prepared to stand on our own feet and are prepared to create conditions in which our just rights and privileges are not encroached upon either in this country or in respect of our people who are living outside—unless we do that, obviously we will fail to create the enthusiasm which we must have in the country in order to carry any strong foreign policy governing or relationship with the rest of the world.

I looked up this Report where there is reference to Kashmir. In beautiful language, reference is made to Dr. Graham's Report, and the language is typical of the mentality that governs our relationship with countries which are giving us a good kick in the back and with whom we cannot deal properly. It reads like this.

"India did not accept the resolution. . . ."—

Very good—

". . . .as it was wholly opposed to her basic position on fundamental issues, but expressed her willingness to continue negotiations with a view to explore all avenues for peaceful settlement."

So, repeatedly we have said that the resolutions which are passed by this mediator are against fundamental principles or principles which we consider to be basic, and yet we proceed to carry on negotiations for a peaceful settlement. If it is the policy of the Prime Minister that although he has to deal with people who may be opposed to him in respect of his basic position and on fundamental issues yet there should not be any quarrel with them but an attempt should be made to carry on negotiations for the purpose of exploring avenues for a peaceful settlement,—if this is his policy, then I would like this to be applied in all cases, specially on the home-front also. What is going to be ultimate solution of this Kashmir issue? I expressed this view over and again, that we cannot expect anything from the Security Council. We went to the Security Council on the

question of aggression, not on the question of accession. So far as the question of aggression goes, although aggression has been proved, yet the Security Council is not prepared to stand by us. So far as accession goes, as we have repeatedly made it clear right from the very beginning it is a matter between Kashmir and India. Undoubtedly, the Prime Minister offered a plebiscite, but there is no question of a plebiscite now. If you wish to ascertain the will of the people of Jammu and Kashmir the only manner in which you can do so is through the Constituent Assembly which is functioning in that State, and a curtain must be drawn on this drama. The more we go on dealing with Dr. Graham's Report or with the issues which have been raised in that Report, the more complicated they will become and it would be extremely difficult for India to extricate herself from that position. I am not suggesting that the Prime Minister will eat his own words. What he said was that he will act according to the will of the people. That will can be ascertained in more than one way. Plebiscite is one way to ascertain the will of the people. Who ascertained the will of the people of India when India was partitioned? There was no plebiscite taken. The will of the people was ascertained through the views of the Members of the Legislatures who were elected on a limited franchise in Bengal, Punjab, Sind and other places. If India could be partitioned on the decision of people who had been elected to Legislatures on a limited franchise, why cannot the finality of the accession of Jammu and Kashmir be decided on the decision of the Constituent Assembly which has been formed on adult franchise? It is a matter which has to be seriously considered by the Government. We must come out of this mess. I am not blaming anybody. It may be that with the best of motives we went to the Security Council, but when we find that the door is shut completely, we expect no remedy, then the curtain should be drawn and a decision—a firm decision—should be taken so that this matter may go beyond all controversy amongst ourselves. Of course, so far as the U.N.O. is concerned and so far as Pakistan is concerned, an unfortunate situation may develop in some other

ways. We will be able to take full cognisance of these developments if the situation arises.

Now, take the movement which is going on. This is not the occasion when I am going to refer to the details, In fact, I was looking forward to a special debate on that question which the Prime Minister very kindly offered a few days ago when we were absent from this House. It would have been better if that debate could have taken place when we were present here, so that we could have spoken to each other, not in private but on the floor of this House, and understood each other's viewpoints. But the crux of the problem on the basis of which the movement is going on is the finality of the accession of the Jammu and Kashmir State to India. And that question has got to be settled in a manner which is fair and just not only to the people of Jammu and Kashmir but also to the people of India.

One aspect of the matter that I would like to emphasise is that the country was partitioned because some people did not want to live here. But time has come when it must be declared, specially when the British power has been removed from India, that if any section of the people of this country do not wish to live here, they can go to whichever part of the world they like; but they cannot and will not carry any portion of the country with them. This land belongs not to any particular State. It does not belong to Delhi, to U.P., to Bengal or to Jammu and Kashmir. I claim that the land belongs to the people of India as such, and there is no question of any portion of the land belonging to India passing out of India's hands because some people in some part of this country do not wish to live in a united India. We must be able to take up that stand, now that the British power is not here. After all, this will of the people in a compartmental sense—how does it arise? It arises out of that legal fiction of lapse of paramountcy. India was one country, but as the Prime Minister knows, and we too know very well, that one of the conditions of the transfer of power was that not only was India to be partitioned, but also the 560 odd States were suddenly to regain their sovereignty and independence. That was not done for the purpose of helping India. That was done

for the purpose of putting more difficulties in the path of consolidating India, but we have proceeded on that basis, because that was the condition on which the transfer of power was made. Now, regarding this question, it is no use taking a wrong view of the situation. The way in which attempt is made or is being made by the Government to resort to a policy of repression for the purpose of crushing the movement will not succeed. I am not saying anything else here, because I want to quarrel with nobody. But serious questions have been raised and it is no use our abusing each other. I can abuse somebody, and somebody can abuse me. We can call names of each other. Somebody can call my name by saying that I am communal or reactionary. I can also call him some other name. But that is not the point. Let us consider the issues which have been raised with regard to Jammu and Kashmir—the issues are political; the issues are economic; the issues are administrative. Let us discuss these issues with a cool and dispassionate mind, and let us see whether it is possible for us to come to some agreement, so that we can prevent any serious international difficulty arising and so that we can avoid difficulties and commotion for the whole of this country.

Here, the Prime Minister says that although he disagrees on fundamental issues with the Graham Report—I think he says that he disagrees wholly—yet he is willing to carry on negotiations for a peaceful settlement. Why can he not take up this same attitude with regard to the settlement of the Jammu and Kashmir movement? Even though he wholly disagrees, why can he not carry on negotiations and explore peaceful methods for the purpose of settling this issue? I am only asking him to follow the Gandhian technique, which he says that he has been following in his deliberations not only for the governance of the internal affairs but also for the governance of external affairs?

With regard to Pakistan, I was reading a book last night and I found that there, exactly the same wording was used by the Prime Minister of the U.K. Mr. Chamberlain, and the French Prime Minister, in 1938, when dealing with Hitler. Mr. Chamberlain's policy was called the umbrella politics. That is how his

policy was described, and the note which he issued for the information of the world was that they were "engaged in the great common task of promoting international appeasement by methods of free and peaceful negotiations". Now, what the fateful result of that policy of appeasement was we know to our cost, and the world knows to its cost today. I am not suggesting that there should be a spirit of bravado. I am not suggesting that we should go out with open swords, or naked swords, or anything, and dealing with the rest of the world in such manner as we like.

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What is needed is firmness. What is needed is a decisive policy. What is needed is a clear enunciation of the interest of our own Motherland. And bearing all these in mind, if we proceed to act, I am sure it will be possible for us to do much more than what we have hitherto achieved.

One last word I shall say about the expenditure. My hon. friend who spoke last said that the expenses on the External Affairs Ministry should be increased. I would have liked to know something more of the working of the embassies. It may be we get false reports or exaggerated reports about their working. We are anxious to know the facts. The Prime Minister promised last time that with regard to our foreign policy he would occasionally call leaders of the Opposition groups and have informal consultations. But unfortunately barring one occasion he had not the time to do so.

Now, with regard to this expenditure I find so far as India is concerned, we are spending about Rs. eight crores out of Rs. 438 crores of our Budget. Of course, the Rs. eight crores includes a little more than Rs. three crores for the protection of the North-Eastern frontier. Only this morning a Reuter news was published that in Great Britain, the budget of which was introduced in the House of Commons, they are reducing their expenses on the External Affairs Ministry to the tune of £ 24 million; in other words about Rs. 33 crores. Of course, in what manner this reduction is coming it is very difficult to say. But that is what has been announced today.



I do not like the idea of increasing the expenditure unless there is ground for doing so. I think there is room for economy in the manner in which the embassies are being run. There is this question of publicity for instance which is very defective. I myself had been to some places in South-East Asia a few months ago and saw some parts of Thailand, Cambodia and Vietnam. There I found that there was tremendous scope for India's increasing her influence, her cultural influence to which the people of those countries were looking forward intensely. But unfortunately there are very little activities in this direction. I am very glad to find that this year a leading historian is being sent to Thailand for delivering a course of lectures. Now, those are countries with which India had contacts for the last thousands and thousands of years. The ruined temple city of Angkor Vat there recalls the close contact which India had with those countries nearly 1,500 years ago. Those countries are now regaining their independence and they are anxious—the words which they used to me were—they are anxious to come back to their spiritual mother. There is no question of economic or political imposition. India can play a leading role in re-establishing her contact with all those countries provided a policy is adopted by our Government of regular cultural and other contacts with those countries. I would very much like that in the interest of re-establishing India's position in the hearts of those countries that our Government does consider the desirability of re-establishing those contacts in some measure or other.

So far as the present situation is concerned, we are undoubtedly living in an explosive state. As I have said over and over again, however much we may differ from the Government with regard to internal matters, the assurance that I can give without any condition or hesitation is that if the situation worsens in this country which may endanger the security or the safety of our Motherland, there will be no question of any political difference on any issue, however controversial it may be and all parties in this country will be prepared to stand shoulder to shoulder for the purpose of protecting the safety and integrity of India. But

there cannot be any effective foreign policy unless you create conditions in this country whereby all sections of the people may feel that they are getting their dues and there is a real functioning of democracy based on just consideration of the various view-points on matters administrative, political and economic, on the solution of which the safety and prosperity of this country depends.

## Electoral Reforms

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I should like briefly to refer to certain aspects of the laws relating to our elections and certain other matters connected therewith.

A Bill has been introduced before the House, as hon. Members are aware—the Representation of the People (Amendment) Bill of 1953—and that Bill deals with a number of points which have been formulated in the light of experience, as has been stated in the Statement of Objects and Reasons, gained by the Election Commission as well as by Government during and after the last general elections. But there are a few important omissions, and I would like to know from Government how they propose to deal with those matters.

When the Bill will come up before the House for consideration, it is not open for us to suggest amendments which are outside the scope of the particular Sections which are sought to be amended; technical objections can legitimately be taken at that stage. On the other hand, if Government consider the points which I am going to raise before the Bill is taken up, it is quite likely that these matters, by agreement, can be considered and decided by the House in whatever manner the House should decide to dispose of them.

These matters were referred to by me in the course of the debate on the President's Address in the first meeting of Parliament after the general elections, and the Prime Minister, while replying to the debate, was good enough to declare that Government would in due course, consider those suggestions.

One point which arose was with regard to the counting of votes. As you are aware, Sir, lots of complaints were made and

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\* Lok Sabha Debates, 8 April 1953, Cols. 3941-3945.

suggestions were made regarding irregularities and malpractices due to the delay in the counting of the votes. Of course, it became inevitable since the constituencies were large and the number of polling centres also was large. The suggestion which we had made was that the counting should take place as soon as the election is completed on that very day. Certain difficulties were pointed out by the Election Commissioner as also by spokesman of the Government, that properly qualified persons to supervise counting may not be available then and there. I recognize the force of that argument, but still I do not consider that to be completely insuperable. That is one point which I would like Government to consider which has not been covered by the amending Bill. This is the practice which obtains in the U.K. and also in other countries where Parliamentary elections take place. What some of us had suggested was that the counting should take place in each polling centre and then, after the counting had taken place,—it may take three, four or five hours— the officer presiding over each polling centre will give a declaration which may be countersigned by the representatives of the candidates concerned. If that is done simultaneously at all the polling centres, then, later on, after three or four or five days or even a week, the results may be added up and announced in due course.

The second suggestion was with regard to the labelling of the symbols. Now, there, the Prime Minister himself agreed on the last occasion that very serious allegations had been made with regard to the possibility of changing labels from one box to another. The labels should be painted and not pasted on boxes where usually they do not stick and various malpractices have been alleged to have occurred. These were two specific suggestions which were made by various persons not belonging to the Opposition, but even belonging to the Congress party, and I would like these suggestions to be considered by Government.

The next point was with regard to the facilities which should be made available to Ministers, and others who are in the Government at the time of the elections. We had a discussion

on that point also. Certain replies were given on behalf of the Government, and I had occasion to refer to the practice which obtains in the U.K. with regard to the facilities which are made available to Ministers and others who may be candidates at the general elections. I do not wish to go into those details, but those are very salutary provisions, and there is no reason why similar conventions of rules should not be made applicable to our country. In fact during the last general elections in the U.K. as was reported in the papers. Mr Attlee who was then the Prime Minister of England toured the whole of the U.K in his own motorcar, and he could not even afford to keep a chauffeur; his wife was driving the car on most of the occasions, and he never utilised any car or any other vehicle from Government. Also, there were certain definite rules which had to be followed when Ministers and others visited particular centres for election propoganda. Local officers also had definite instructions as to how they should behave on those occasions. These are conventions which we would like to see established in our country also. When we had a discussion on this point last time, the hon. Prime Minister very kindly agreed that quite apart from any personalities, these matters should be discussed dispassionately, at the time when rules will have to be modified for purposes of holding the next general elections. But I am sorry to find that none of these matters finds a place in the amending Bill which is now before the House.

Another point raised was with regard to the use of the All India Radio and the broadcasting machinery etc. As it is known, these facilities are not available to candidates belonging to Opposition parties. In the United Kingdom, in accordance with a time-table, each party is allowed to use the radio and broadcast machinery, for the purpose of appealing to the electorates. There is no reason why in our country also, a similar provision should not be applied.

The other question which is related to this is with regard to giving the rights of franchise to those who have come from Pakistan. As you know, under our Constitution, people who came to India after, I believe, 24th July, 1949, are not entitled

to become Indian citizens, unless Parliament passes a law that gives them the rights of citizenship. Unfortunately this matter was not disposed of before the last elections took place. The House may remember, that in the last Parliament, about one hundred Members belonging to all groups signed a representation addressed to the Prime Minister, requesting him to take steps for introducing a special legislation and give the rights of franchise to lakhs of people who have come away from Pakistan to India, after 24th July, 1949, and who definitely have no intention of going back to Pakistan. But unfortunately that could not be done, as the Prime Minister said, due to want of time. Even now, we hear from the papers that a Bill is now under preparation. Already steps are being taken for modifying the electoral rules. I do not know what the intention of the Government is, when the Bill will be ready, when it will be placed before the House, and when we will have an opportunity of discussing it. Now, there is a certain urgency about this matter, involving the rights of citizenship of millions of people who have come from both eastern and western Pakistan, but more from eastern Pakistan, because they came in larger numbers from there, after that date, namely the 24th July, 1949. On that point also, I would like to know what the position now is.

Lastly I come to the question of the future of the Part C States. That question also was raised as to whether they should remain as separate units, or before the general elections, Government would revise their policy with regard to the future existence of some of the Part C States at least. For instance Ajmer is supposed to be a Part C State with only seven and a half lakhs of people, and a contribution from the Centre to the tune of more than a crore of rupees per year, and with all the paraphernalia, a Chief Minister, a Minister, a Chief Commissioner, a Deputy Chief Commissioner, an Assistant Chief Commissioner, a Deputy Commissioner, an Assistant Deputy Commissioner, and so many other types of officers whom it is so difficult to justify in a small State like this. These are matters which obviously have to be gone into. They are

questions of policy, not that they fall within the portfolio of the hon. Minister of Law. But still unless a policy decision is taken with regard to the future of these territories, we will be caught by time, and it will not be possible for us to give effect to the changes. We want to economise expenditure, and there is much scope for economising expenditure in these particular areas. Undoubtedly we also feel that there should be more decentralisation, but that decentralisation does not mean that we will have States, Ministries, Governments and Legislatures, in small areas in different parts of India, whatever historically might have been the reasons for keeping Bhopal, or Ajmer or Coorg or some other parts of eastern India as separate units. During the last two or three years, such a historical necessity has disappeared, and the Government now should be able to make up their minds, and merge these areas with other adjoining territories or make suitable readjustments.

## **Civil Servants and their Association with certain Organisations\***

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I would appeal to the House to consider this matter dispassionately and not from any party point of view. I believe all sections of the House can agree to certain fundamental principles—it does not matter which party is in charge of the Government for the time being. We are not discussing the general political situation in the country nor the different view points which may be advanced in the political field. We are discussing how far action—drastic action—is justifiable against Government employees for what is called alleged subversive activity and also if such action is taken. What should be the procedure which should be fair and just in such circumstances.

It is common ground that our civil servants from the highest to the lowest must owe complete and undivided allegiance to the State. When I say the State, I do not mean the particular political party which may be ruling the country for the time being. Unfortunately, today the State is equal to the Government Party and that is equal to the Congress. The second is that our civil servants should be able to keep information which they possess in their official capacity to themselves and not divulge such information to the public. That also is certainly a salutary principle. Thirdly, they should not be participants in party politics. Now, if we agree to these three fundamental principles which, I believe are to be found in existence in every democratic country then the question arises how far should we allow our civil servants to take interest in political matters outside their office. Now, all of them are voters, and surely they

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\* Lok Sabha Debates, 17 April 1953, Cols. 4342—4347.



can have their bias for or against particular parties. And it should not bother the Congress today which is the ruling party if it is a fact that a large section of the Government employees today for some reason or other are not supporters of the Congress. They may support the Government. So long as the policies are enunciated by the Government it is certainly expected that every civil servant will give effect to such policies. There is no question of their being disloyal in the matter of carrying out the State policies—there is no doubt about it. But what is the nature of the Rules that we are discussing? We are not discussing the ordinary civil servants' Rule. You have ample provision there to deal with any case where there is any breach of discipline.... Undoubtedly, and there are ample rules framed by our Government as also by other Governments where such breaches of discipline can be adequately and sufficiently dealt with. But these Rules were promulgated at a very special time.... So I would appeal—if my appeal is of any value—that the whole question should be considered *de novo* at this stage. These Rules have not worked satisfactorily. What is the basis of these Rules? How do you proceed? You mention certain organisations and you say that if anyone is a member of any such organisations or is suspected to be associated with such organisations or is suspected to have sympathy with such organisations then it is deemed that he is supporting subversive activities. The Rule says that it is sufficient under such circumstances for the notice of discharge to be issued. The Ministry will communicate to different Ministries from time to time a list of organisations which in the opinion of Government, are engaged in subversive activities and the membership of or association with any of them will be considered a good ground for the issue on a Government servant of the notice referred to in the instructions. And further it is stated that when the charge-sheet is handed over to such a Government employee, it will not disclose the source of information. It is very categorically put down here that care should be taken to avoid any particulars being given which might involve a disclosure of the sources of information. Not only 'non-information' of the sources of information but not even giving particulars if they lead to

the disclosure of the sources of information! Of course, as you know, Sir I have no love for the Communist Party. It is a different matter. They have also no love for me. But the manner in which administration is supposed to be carried on behind the 'Iron Curtain' in this country is sufficiently indicated in the very Rules which our democratic Government have framed. You are dealing with whom? Not with outsiders, but your own employees and you are saying that if they are supposed to have sympathy with certain organisations which you have mentioned in the Rules then that is good ground for serving a notice of discharge on them. The Communist Party is one of such organisations: then the RCPI, RSPI, RSS, Muslim Nation Guards, Khaksars, and an amendment was recently made to include Marxists Forward Bloc. Now, what is the position with regard to these organisations today? Is any of these organisations banned in the country? Many of these organisations openly put up candidates for election to Legislatures and to Parliament and they succeeded. There is no attempt on the part of the Government to prevent such organisations from functioning legitimately in the country. They are functioning today—openly—whatever their views may be. And you pass certain Rules indicating that if any Government servants are suspected to have sympathy with any such organisations, it is a sufficient reason to turn them out of Government service, not giving them information even, particulars as regards the sources of the charges which are levelled against such individuals.

Sometime ago I gave an instance which I personally knew where gross injustice had been done to a Government servant and when I appealed to Sardar Patel an enquiry was made and that officer was reinstated. It looked like a complete cut and dried case but then when it appeared that the police information was obviously wrong the man was reinstated. He is even today an important officer serving in the Government of India in Delhi. There have been lots of such cases but the whole approach to the problem is wrong. Your Government servants are there. They are adults, they are citizens of free India. They are certainly entitled to have sympathy with certain organisations

which are not banned in the country. You cannot object to it. And, if you try to employ such underhand tactics, such behind-the-scene tactics, for the purpose of stabbing your own employees in the back then you destroy the very foundation of good administration in the country. If you want that certain organisations should be tabooed in the country, do so openly and fairly and face the consequences. But, if you allow those organisations to function as legitimate bodies and then if you say that anyone who is suspected to have sympathy with any such organisation will not be allowed to occupy a post under the Government and they would not even have the chance of proving whether they actually had such sympathy or not then you proceed on purely party lines. Then your case for national security becomes a mere cloak. The whole matter has to be re-examined and we must have a set of Rules which would be fair and just to all concerned.

Now, we have seen that during the elections in Delhi—it was my experience in many areas where there were large sections of Government servants, lower classes, middle classes and so on—what pressure was put upon them by the spokesmen of the Congress party. 'Dare you vote against the Congress, dare you vote in favour of such-and-such a party, you will see what the consequences are.' Mrs. Kripalani was a candidate here in Delhi, and she was successful. In her election about 1500 votes were received through postal ballot. She was just now telling me that out of these 1500 votes 1050 were in her favour. These officers are highly placed Government servants in different parts of the country. They decided to vote against the Congress. I do not know where the Government will be if it allows all the Government servants to vote by postal ballot. Why not try it. It is a very simple way of taking the opinion of the Government servants throughout the country and what they think of the present Government.....

I know fully well that I cannot change the Constitution. The Government servants cannot change the Constitution with their votes. At least that much of intelligence I have got. If this Government is to depend merely upon the votes of the

Government employees, to be recorded by ballot, I do not know where this Government will stand, but that is a different matter.

They have freedom to form and express their views. They are not babies; they are adults; they are citizens of your country. If you try to under-mine their loyalty in this fashion, then you will not help them. If you go on penalising people for suspecting them to have done something which they did not—and they do not even get a chance of showing that the allegations brought against them were untrue, that is a serious aspect of the matter. Only two days ago I received a representation from a young man who was convicted four years ago for participating in the R.S.S. *satyagraha*. He was very young—only 16 years of age. After two months he was let off and then he was given employment in a government concern in Gurgaon. For four and a half years he worked there. The police made an enquiry and there was no complaint from his superiors. Some days ago he received a discharge notice stating that from the next day his services would be dispensed with because four years ago he was convicted in connection with the R.S.S. *satyagraha*. He gave a certificate by the President of the District Congress Committee that he had nothing to do with any organisation at all; his circumstances are such that he cannot possibly participate in any political work. But still that family is completely stranded. You are hounding out people like this because they hold certain views which are not acceptable or which are not pleasant to the Government of the day. That will not do. That will just defeat the very purpose you have in view. If you want some enquiry to be made, you have some tribunal; you place all the evidence; you give a chance to the man. That is the normal, elementary right which every citizen has. If you want to take away his job, face him with a charge-sheet. Tell him, even if it is going to be a confidential enquiry, who are his accusers and give him a chance of cross-examining them. If he is proved guilty, by all means deal with him in the way you like.

My point is that I am all for Government having clear-cut, definite Rules preventing any subversive activities which are really subversive—not this sort of camouflage subversive

activities—subversive activities which are proved to be subversive in which any Government employee may be implicated. If they abuse their position as Government servants, deal with them, undoubtedly. If they are disloyal in the sense that they are not carrying out the policies of the Government, deal with them, but have a procedure, have a tribunal so that the case may be placed before it and the people may have a chance of saying what they have to say. From that point of view, I would urge upon the Home Minister and the Railway Minister that all these 400 cases should be re-examined, re-investigated. Why not appoint a High Court Judge, ask him to go into all these cases—place all your evidence before him—and find out whether they are guilty really of subversive activities—not merely because they were associated with some organisation or another. It is like the story in the Aesop's Fables. When the wolf wanted to eat the lamb, it said "if you did not make the water turbid your grandfather did it; it is sufficient for me to kill and eat you". They are the core of the administration of the country and you must be able to depend upon the complete loyalty of these thousands of people throughout the length and breadth of the country. They must not be hounded out of their office simply because they hold certain political views or they may indulge in certain *bona fide* Trade Union activities, which may not be liked by the party in power. Think for a moment that the tables may be turned; you may come and sit here, we may go and sit there. You are setting up conventions and traditions which will be sufficient for us, if we have a chance to do so, to remove the whole lot of you. But, we will not follow in your footsteps; we will behave as true democrats. But you are adopting a course which is not justifiable.

I am making this appeal to the Government that in all these matters, all the political parties must be able to come to some fundamental agreement on the basis of which sound, efficient and uncorrupt administration of the country can be carried on. Let us try to build up, let us keep the civil service outside party politics completely. Let us sit together and devise means which all of us will pledge to support both in this House and outside the House. Only then can we build up true democracy.

## **Statement by Dr. S.P. Mookerjee on his resignation as Minister of Industry and Supply**

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Sir, in accordance with parliamentary convention I rise to make a statement explaining the reasons which have led to my resignation from the Cabinet. Let me assure the House that I have not taken the step on the spur of the moment but after deep and deliberate thought. It has been a matter of regret to me that I have not been able to reconsider my decision, although pressed to do so by many for whom I entertain the deepest personal regard. For over 2½ years it has been my proud privilege to work as a Minister of the first National Cabinet of Free India and I have not spared myself in the discharge of the duties that fell upon me. To me the experience has been of great value and it has been my privilege to work in an atmosphere of friendliness and co-operation during one of the most critical periods in the history of our country. To all sections of the House I convey my gratitude for the confidence reposed in me and to Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel I specially tender my grateful thanks for the opportunity they gave me to serve the country under their leadership. There is nothing of a personal character which has prompted me to resign and I do hope that those with whom I have disagreed will appreciate the depth of my convictions just as I have unhesitatingly appreciated their own. My differences are fundamental and it is not fair or honourable for me to continue as a member of the Government whose policy I

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\*Parliamentary Debates, 19 April, 1950

cannot approve of. In all fairness to the Prime Minister I should state that when I communicated my decision to him on 1st April, even before the Prime Minister of Pakistan arrived in India, he readily appreciated my standpoint, acknowledged our differences and agreed to release me from the burden of my office. Any withdrawal at a subsequent stage would not have been fair to him or to me.

I have never felt happy about our attitude towards Pakistan. It has been weak, halting and inconsistent. Our goodness or inaction has been interpreted as weakness by Pakistan. It has made Pakistan more and more intransigent and has made us suffer all the greater and even lowered us in the estimation of our own people. On every important occasion we have remained on the defensive and failed to expose or counteract the designs of Pakistan aimed at us. I am not, however, dealing today with general Indo-Pakistan relationship, for the circumstances that have led to my resignation are primarily concerned with the treatment of minorities in Pakistan, specially in East Bengal. Let me say at once the Bengal problem is not a provincial one. It raises issues of an all-India character and on its proper solution will depend the peace and prosperity, both economic and political, of the entire nation. There is an important difference in the approach to the problem of minorities in India and Pakistan. The vast majority of Muslims in India wanted the partition of the country on a communal basis, although I gladly recognise there has been a small section of patriotic Muslims who consistently have identified themselves with national interests and suffered for it. The Hindus on the other hand were almost to a man definitely opposed to partition. When the partition of India became inevitable, I played a very large part in creating public opinion in favour of the partition of Bengal, for I felt that if that was not done, the whole of Bengal and also perhaps Assam would fall into Pakistan. At that time little knowing that I would join the first Central Cabinet, I along with others, gave assurances to the Hindus of East Bengal, stating that if they suffered at the hands of the future Pakistan Government, if they were denied elementary rights of citizen-

ship, if their lives and honour were jeopardised or attacked, Free India would not remain an idle spectator and their just cause would be boldly taken up by the Government and people of India. During the last 2½ years their sufferings have been of a sufficiently tragic character. Today I have no hesitation in acknowledging that in spite of all efforts on my part, I have not been able to redeem my pledge and on this ground alone — if on no other — I have no moral right to be associated with Government any longer. Recent happenings in East Bengal have however overshadowed all their past woes and humiliation. Let us not forget that the Hindus of East Bengal are entitled to the protection of India, not on humanitarian considerations alone, but by virtue of their sufferings and sacrifices, made cheerfully for generations, not for advancing their own parochial interests, but for laying the foundations of India's political freedom and intellectual progress. It is the united voice of the leaders that are dead and of the youth that smilingly walked upto the gallows for India's cause that calls for justice and fairplay at the hands of Free India of today.

The recent Agreement, to my mind, offers no solution to the basic problem, The evil is far deeper and no patchwork can lead to peace. The establishment of a homogeneous Islamic State is Pakistan's creed and a planned extermination of Hindus and Sikhs and expropriation of their properties constitute its settled policy. As a result of this policy, life for the minorities in Pakistan has become "nasty, brutish and short" Let us not be forgetful of the lessons of history. We will do so at our own peril. I am not talking of by-gone times; but if anyone analyses the course of events in Pakistan since its creation, it will be manifest that there is no honourable place for Hindus within that State. The problem is not communal. It is essentially political. The Agreement unfortunately tries to ignore the implications of an Islamic State. But anyone, who refers carefully to the Objectives Resolution passed by the Constituent Assembly of Pakistan and to the speech of its Prime Minister, will find that while talking in one place of protection of minority rights, the Resolution in another place emphatically declares "that the



principles of democracy, freedom, equality, tolerance and special justice as enunciated by Islam shall be fully observed". The Prime Minister of Pakistan while moving the Resolution thus spoke:

"You would also notice that the State is not to play the part of a neutral observer wherein the Muslims may be merely free to profess and practice their religion, because such an attitude on the part of the State would be the very negation of the ideals which prompted the demand of Pakistan and it is these ideals which should be the cornerstone of the State which we want to build. The State will create such conditions as are conducive to the building up of a truly Islamic Society which means that the State will have to play a positive part in this effort. You would remember that the Quaid-e-Azam and other leaders of the Muslim League always made unequivocal declarations that the Muslim demand for Pakistan was based upon the fact that the Muslims had their own way of life and a code of conduct. Indeed, Islam lays down specific directions for social behaviour and seeks to guide society in its attitude towards the problems which confront it day to day. Islam is not just a matter of private beliefs and conduct."

In such a Society, let me ask in all seriousness, can any Hindu expect to live with any sense of security in respect of his cultural, religious, economic and political rights. Indeed our Prime Minister analysed the basic difference between India and Pakistan only a few weeks ago on the floor of the House and his words will bear repetition:

"The people of Pakistan are of the same stock as we are and have the same virtues and failings. But the basic difficulty of the situation is that the policy of a religious and communal State followed by the Pakistan Government inevitably produces a sense of lack of full citizenship and a continuous insecurity among those who do not belong to the majority community".

It is not the ideology preached by Pakistan that is the only disturbing factor. Its performances have been in full accord with its ideology and the minorities have had bitter experiences times without number of the true character and functioning of an Islamic State. The Agreement has totally failed to deal with this basic problem.

Public memory is sometimes very short. There is an impression in many quarters that the Agreement recently made is the first great attempt of its kind to solve the problem of minorities. I am leaving aside for the time being the disaster that took place in the Punjab; in spite of all assurances and undertakings there was a complete collapse of the administration and the problem was solved in a most brutal fashion. Afterwards we saw the gradual extermination of Hindus from the North Western Frontier Province and Baluchistan and latterly from Sind as well. In East Bengal about 13 millions of Hindus were squeezed out of East Bengal. There were no major incidents as such; but circumstances so shaped themselves that they got no protection from the Government of Pakistan and were forced to come away to West Bengal for shelter. During that period there was no question of any provocation given by India where normal conditions had settled down; there was no question of Muslims being coerced to go away from India to Pakistan. In April, 1948, the First Inter-Dominion Agreement was reached in Calcutta, dealing specially with the problems of Bengal. If anyone analyses and compares the provisions of that Agreement with the recent one it will appear that in all essential matters they are similar to each other. This Agreement, however, did not produce any effective result. India generally observed its terms but the exodus from East Bengal continued unabated. It was a one-way traffic, just as Pakistan wished for. There were exchanges of correspondence; there were meetings of officials and Chief Ministers; there were consultations between Dominion Ministers. But judged by actual results Pakistan's attitude continued unchanged. There was a second Inter-Dominion Conference in Delhi, in December, 1948, and another Agreement was signed, sealed and delivered. It dealt with the same problem — the rights of minorities specially in Bengal. This also was a virtual repetition of the first Agreement. In the course of 1949 we witnessed a further deterioration of conditions in East Bengal and an exodus of a far larger number of helpless people, who were uprooted from their hearth and home and were thrown into India in a most miserable condition. The fact

thus remains that in spite of two Inter-Dominion Agreements as many as 16 to 20 lakhs of Hindus were sent away to India from East Bengal. About a million of uprooted Hindus had also to come away from Sind. During this period a large number of Muslims also came away from Pakistan mainly influenced by economic considerations. The economy of West Bengal received a rude shock and we continued as helpless spectators of a grim tragedy.

Today there is a general impression that there has been failure both on the part of India and Pakistan to protect their minorities. The fact however is just the reverse of it. A hostile propaganda has been also carried on in some sections of the foreign press. This is a libel on India and truth must be made known to all who desire to know it. The Indian Government—both at the Centre and in the Provinces and States—generally maintained peace and security throughout the land after Punjab and Delhi disturbances had quietened down, in spite of grave and persistent provocations from Pakistan by reason of its failure to create conditions in Sind and East Bengal whereby minorities could live there peacefully and honourably. It should not be forgotten here that the people who came away from East Bengal or Sind were not those who had decided to migrate to India out of imaginary fear at the time of partition. These were people who were bent on staying in Pakistan, if only they were given a chance to live decent and peaceful lives.

Towards the end of 1949, fresh events of a violent character started happening in East Bengal. On account of the iron curtain in that area, news did not at first arrive in India. When about 15,000 refugees came to West Bengal in January 1950, stories of brutal atrocities and persecutions came to light. This time the attack was directed both against middle class urban people and selected sections of rural people who were strong, virile and united; to strike terror into their hearts was a part of Pakistan's policy. These startling reports led to some repercussions of a comparatively minor character in certain parts of West Bengal. Although these were checked quickly and effectively, false and highly exaggerated reports of so-called occurrences in West

Bengal were circulated in many parts of East Bengal. This was clearly done with official backing and with a sinister motive. In the course of two to three weeks events of a most tragic character, which no civilized Government could ever tolerate, almost simultaneously broke out in numerous parts of East Bengal, causing not only wanton loss of lives and properties, but resulting also in forcible conversion of a large number of helpless people, abduction of women and shocking outrages on them. Reports which have now reached our hands clearly indicate that all these could not have happened as stray sporadic incidents. They formed part of a deliberate and cold planning to exterminate minorities from East Bengal; to ignore this is to forget hard realities. During that period our publicity both here and abroad became hopelessly weak and ineffective. This was partly done in order to prevent repercussions within India. Pakistan however, followed exactly the opposite course of action. The result was that we were dubbed as aggressors while the truth was the reverse of it. During these critical weeks—although there were people who were swayed by passions and prejudices—vast sections of India's population were prepared to leave matters in the hands of Government and expected it to take stubborn measures to check the brutalities perpetrated in Pakistan. At that hour of crisis we failed to rise equal to the occasion. Where days—if not hours—counted, we allowed weeks to go by and we could not decide what was the right course of action. The whole nation was in agony and expected promptness and firmness, but we followed a policy of drift and indecision. The result was that in some areas of West Bengal and other parts of India, people became restive and exasperated and took the law into their own hands. Let me say without hesitation that private retaliation on innocent people in India for brutalities committed in Pakistan offers us no remedy whatsoever. It creates a vicious circle which may be worse than the disease; it brutalizes the race and lets loose forces which may become difficult to control at a later stage. We must function as a civilised State and all citizens, who are loyal to the State must have equal rights and protection, irrespective of their religion or faith. The only

effective remedy in a moment of such national crisis can and must be taken by the Government of the country and if Government moves quickly, consistent with the legitimate wishes of the people and with a full sense of national honour and prestige, there is not the least doubt that the people will stand behind the Government. In any case, Government acted promptly to re-establish peace and order throughout India. Meanwhile Muslims, though in much lesser numbers, had also started leaving India, a good number of whom belonged to East Bengal and had come to West Bengal for service or occupation. Pakistan realised the gravity of the situation only when it found that on this occasion, unlike previous ones, there was no question of one-way traffic. Since January last at least 10 lakhs of people have come out of East Bengal to West Bengal. Several lakhs have gone to Tripura and Assam. Reports indicate that thousands are on their march to India today and they represent all classes and conditions of people.

The supreme question of the hour is, can the minorities continue to live with any sense of security in Pakistan? The test of any Agreement is not its reaction within India or in foreign lands, but on the minds of the unfortunate minorities living in Pakistan or those who have been forced to come away already. It is not how a few top-ranking individuals in Pakistan think or desire to act. It is the entire set-up of that State, the mentality of the official circles—high and low—the attitude of the people at large and the activities of organisations such as 'Ansars' which all operate together and make it impossible for Hindus to live. It may be that for some months no major occurrences may take place. Meanwhile we may of our generosity supply them with essential commodities which will give them added strength. That has been Pakistan's technique. Perhaps the next attack may come during the rainy season when communications are virtually cut off.

I have found myself unable to be a party to the Agreement for the following main reasons:

First—we had two such Agreements since Partition for solving the Bengal problem and they were violated by Pakistan

without any remedy open to us. Any Agreement which has no sanction will not offer any solution.

Secondly—the crux of the problem is Pakistan's concept of an Islamic State and the ultra-communal administration based on it. The Agreement side-tracks this cardinal issue and we are today exactly where we were previous to the Agreement.

Thirdly—India and Pakistan are made to appear equally guilty, while Pakistan was clearly the aggressor. The Agreement provides that no propaganda will be permitted against the territorial integrity of the two countries and there will be no incitement to war between them. This almost sounds farcical so long as Pakistan troops occupy a portion of our territory of Kashmir and warlike preparations on its part are in active operation.

Fourthly—events have proved that Hindus cannot live in East Bengal on the assurances of security given by Pakistan. We should accept this as a basic proposition. The present Agreement on the other hand calls upon minorities to look upon Pakistan Government for their safety and honour which is adding insult to injury and is contrary to assurances given by us previously.

Fifthly—there is no proposal to compensate those who have suffered nor will the guilty be ever punished, because no one will dare give evidence before a Pakistan Court. This is in accordance with bitter experience in the past.

Sixthly—Hindus will continue to come away in large numbers and those who have come will not be prepared to go back. On the other hand, Muslims who had gone away will now return and in our determination to implement the Agreement Muslims will not leave India. Our economy will thus be shattered and possible conflict within our country will be greater.

Seventhly—in the garb of protecting minorities in India, the Agreement has reopened the problem of Muslim minority in India, thus seeking to revive those disruptive forces that created Pakistan itself. This principle, carried to its logical

conclusions, will create fresh problems for us which, strictly speaking, are against our very Constitution.

This is not the time nor the occasion for me to discuss alternative lines of action. This must obviously wait until the results of the policy now adopted by Government are known. I do not question the motives of those who have accepted the Agreement. I only hope that the Agreement must not be unilaterally observed. If the Agreement succeeds, nothing will make me happier. If it fails, it will indeed be a very costly and tragic experiment. I would only respectfully urge those who believe in the Agreement to discharge their responsibility by going to East Bengal—not alone, but accompanied by their wives, sisters and daughters and bravely share the burden of joint living with the unfortunate Hindu minorities of East Bengal. That would be a real test of their faith. While I have differed from the line of approach adopted by our Government to solve a malady which perhaps has no parallel in history, let me assure the House that I fully agree that the supreme need of the hour is the maintenance of peace and security in India. While utmost pressure can and must be put upon the Government of the day to act rightly, firmly and timely to prevent the baneful effects of appeasement and to guard against the adoption of a policy of repression, no encouragement should be given to create chaos and confusion within our land. If Government is anxious to have another chance—and let us understand it clearly that this is the last chance that it is asking for—by all means, let Government have it. But let not the critics of Government policy be silenced or muzzled. To our misfortune, one of the parties to the Agreement has systematically broken its pledges and promises and we have no faith in its capacity to fulfil its future pledges, unless it shows by actual action that it is capable of so doing. This note of warning sounded by us should not be unwelcome to Government, for it will then act with more keennes and alertness and not permit the legitimate interests of India to be sacrificed or sabotaged in any way.

While dealing with the problem of refugees, we will have to consider also the stupendous task of rehabilitation. The present truncated province of West Bengal cannot simply bear this

colossal burden. It is a mighty task where both official and non-official elements can work together for the larger good of the country and between Government and its critics there will always be ample room for co-operation in facing a problem which concerns the peace and happiness of millions of people and of the advancement of the entire nation.