

Monday, 12th February, 1951



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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VI, 1951

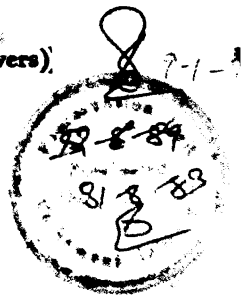
(5th February to 31st March, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951



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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Monday, 12th February, 1951.

*The House met at a Quarter to Eleven
of the Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

**CONSTITUENT ASSEMBLY FOR JAMMU
AND KASHMIR STATE**

*1347. **Shri Raj Kanwar:** Will the Minister of States be pleased to state when the proposed Constituent Assembly to determine the future of the Jammu and Kashmir State is likely to assemble?

The Minister of States, Transport and Railways (Shri Gopaldaswami): No date has yet been fixed.

Shri Raj Kanwar: Will the proposed Constituent Assembly for Kashmir be a sovereign body and will it be entrusted only with the task of determining the question of accession or will it also be asked to frame the Constitution for the Jammu and Kashmir State?

Shri Gopaldaswami: The Constituent Assembly will frame the Constitution for the State. It will be sovereign to the extent of the powers needed for the framing of the Constitution.

Shri Raj Kanwar: Was the Jammu and Kashmir State before the partition of the country, with regard to its political relations with the then Government of the day, treated on the same lines as any of the other former Indian States, or was it treated differently from other Indian States? In other words, did the Government of the day exercise powers of paramountcy over Jammu and Kashmir State exactly in the same way as it exercised in respect of other Indian States?

Shri Gopaldaswami: Does the hon. Member refer to the time at which the partition took place?

Shri Raj Kanwar: Before the Partition.

Shri Gopaldaswami: Kashmir was on the same footing as other Indian States.

Shri Raj Kanwar: How many Members are likely to be appointed to this Constituent Assembly, how many of them are likely to be elected members and how many, if at all, nominated?

Shri Gopaldaswami: There will be a Member for a population of about 40,000. They will all be elected.

Sardar B. S. Man: Is it not a fact that so far as the foreign relations are concerned, it is a central subject with the Government of India?

Shri Gopaldaswami: It is a Central subject today.

Mr. Speaker: It is very clearly stated in his first reply.

Shri Kamath: Is it proposed to make this Constituent Assembly representative of the whole of Jammu and Kashmir State including what is on the other side of the cease-fire line?

Shri Gopaldaswami: The Constituent Assembly that will be convened will be for the whole of the State, but whether that portion of the State which is now under occupation of the Azad Kashmir people or Pakistan will be effectively represented in the Constituent Assembly is another matter.

Shri Kamath: As regards the modalities of the election has it been left completely to the Government of Jammu and Kashmir State or are they being done in consultation with the Central Government?

Shri Gopaldaswami: As regards the main question about representation, the adequacy of it, the manner of it,

the franchise and so on, matters have been settled in consultation with the Government of India.

Sardar B. S. Man: As admitted by the Government will it be competent now for Jammu and Kashmir Constituent Assembly to decide the issue whether to accede or not to accede to the Indian Government?

Shri Gopalaswami: There is nothing which can prevent a Constituent Assembly from pronouncing itself upon that question.

Shri T. Husain: Will the people of those parts of Kashmir which are in Pakistan be invited by the Kashmir Government to send their representatives to the Constituent Assembly?

Shri Gopalaswami: I have no doubt the Kashmir Government will welcome such representatives, but whether their wish is going to be implemented is another matter.

INTERNATIONAL AIR PORTS IN INDIA

*1348. **Shri A. C. Guha:** Will the Minister of Communications be pleased to state:

(a) what are the international airports in India;

(b) what are the regular international passenger services touching those ports; and

(c) the average number of passengers passing through such air-ports every month?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) and (c). The designated international airports and the average number of passengers passing through them every month during 1950 are:

(i) Bombay (Santa Cruz) 11,676

(ii) Calcutta (Dum Dum) 33,347

(iii) Delhi (Palam) 4,833

(b) I lay a statement on the Table of the House. [See Appendix XI, annexure No. 14.]

Shri A. C. Guha: May I know what is the total revenue collected from all the aerodromes?

Shri Khurshed Lal: I require notice.

Shri A. C. Guha: What is the total revenue collected from each of these three aerodromes?

Shri Khurshed Lal: That too does not arise out of this question.

लला अचिंत राम : क्या माननीय मंत्री जी बतलायेंगे कि इन पैसेजर्स में पाकिस्तान के कितने पैसेजर्स हैं ?

[Lala Achint Ram: Will the hon. Minister be pleased to state as to how

many of these passengers belong to Pakistan?]

श्री खुरशेद लाल : यह तो मेरे पास अलहिदा अलहिदा तादाद नहीं है ।

[Shri Khurshed Lal: I have got no separate figures with me.]

Shri Sidhva: In view of the fact that the largest number of passengers passed through Dum Dum, namely 33,347 as against 11,676 in Bombay, is it contemplated to build a new aerodrome with all the facilities required for the passengers? If so, when is it going to be built?

Shri Khurshed Lal: In Dum Dum we are already constructing a new runway.

Shri A. C. Guha: Has it come to the notice of Government that there is too much congestion of passengers and aeroplanes in Dum Dum, and if so, what steps have been taken to relieve the congestion?

Shri Khurshed Lal: To relieve the congestion alternative arrangements have been made at Barrackpore and all the freight traffic have been diverted there.

Dr. M. M. Das: May I ask whether Government receive any revenue from these Airway companies that operate through these airports?

Shri Khurshed Lal: They have to pay landing and take off charges.

Shri Sidhva: I put a question whether in view of the large number of passengers passing through the airport, Government contemplated building a new aerodrome. I did not hear the reply properly.

Mr. Speaker: He has already stated that he had made certain arrangements.

Shri Khurshed Lal: We are already constructing a new big runway at Dum Dum and also in order to relieve the congestion there, we have diverted the freighter service from that aerodrome to Barrackpore.

CENTRAL JUTE RESEARCH STATION

*1349. **Prof. S. N. Mishra:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that Government have decided to establish a Central Jute Research station near Titagarh, eight miles from Calcutta; and

(b) if so, the estimated expenditure involved?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Yes. The Government of West Bengal have made available to the Indian Central Jute Committee free of cost 101 acres of land at Nilganj near Barrackpore about 19 miles from Calcutta for this purpose.

(b) The estimates of expenditure have not yet been finally drawn up.

Prof. S. N. Mishra: May I know whether any contributions have been made by the jute industry?

Shri Thirumala Rao: I have not got information on that. I want notice.

Prof. S. N. Mishra: May I know to what extent progress has been made in this connection, whether the necessary plant has already been imported or anything has been done in this regard?

Shri Thirumala Rao: After the Partition, towards the beginning of 1948 a new Jute Marketing Research Institute was set up with a nucleus from the laboratories in a rented house at Hooghly. Now a 101 acre farm has been provided by the West Bengal Government and the Institute is now being shifted to the new place.

Shri A. C. Guha: Is it not a fact that the Central Jute Committee, which is in existence so long, conducted some research in jute?

Shri Thirumala Rao: Yes, it is a fact, Sir.

Shri A. C. Guha: Is it only transferring all those functions to this new Research Station or some additional function is to be given to them?

Shri Thirumala Rao: All research work and development of jute is conducted by the Central Jute Committee with the assistance of the Government of India.

Shri Chattopadhyay: May I know whether in the existing Jute Research Institute any research has been made in order to cure jute of its water habit?

Shri Thirumala Rao: I want notice of that particular question.

Mr. Speaker: Next question.

PRODUCTION AND IMPORT OF SUGAR

*1350. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to state what has been the total production of sugar from January to December, 1950?

(b) Is there any surplus after allotment to various States?

(c) If so, how is the surplus going to be distributed?

(d) What is the sugar position for the year 1951?

(e) Do Government intend to import any sugar during the current year?

(f) Is any increased production expected during this year compared to the previous year?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Sugar production year is taken from 1st November to 31st October. During the year ending October 1950 the total production was 9,76,110 tons

(b) Yes. As against 9,76,110 tons produced during 1949-50 and 5,550 tons imported, 9,55,800 tons were allotted to State Governments for consumption from 15th December 1949 to 30th November 1950 leaving a surplus of 25,860 tons on 1st December, 1950.

(c) The surplus will be allotted to State Governments against their consumption quotas for 1951.

(d) It is expected to be better than last year.

(e) Government have no intention at present of importing any sugar except the unshipped quantity purchased in 1950.

(f) Yes.

Shri Sidhva: May I know whether the instructions of the Ministry are that after procuring for the rationed areas, the rest of the quantity should be sold free and how many States have agreed to the Central Government's proposal?

Shri Thirumala Rao: The policy of the Government has been declared that after the requirements of the Government are met, the surplus production can be sold in the free market and that can be decided only after the production season is over. This is the policy announced by the Central Government.

Shri Sidhva: I want to know, Sir...

Mr. Speaker: How many State Governments have agreed?

Shri Thirumala Rao: Almost all the States have agreed.

Shri Sidhva: What is the total consumption that is estimated during 1951, on the estimate of 1950?

Shri Thirumala Rao: Total consumption is computed in accordance with the consumption figures of the last two years. It is estimated at ten lakh tons.

Shri Tyagi: Has the Government quota of sugar production been fulfilled by the factories when they have permitted the factories to have private sales in the market?

Shri Thirumala Rao: We have not permitted private sales in the market.

Shri J. E. Kapoor: Have some of the factories completed their prescribed quota of 107 per cent. of the last year's production?

Shri Thirumala Rao: The crushing season is not yet complete to arrive at the figure.

Shri Jhunjhunwala: In how many States are there free sales at present?

Shri Thirumala Rao: There is no free sale in any State.

Pandit M. B. Bhargava: Is there any free market for the sale of sugar in Delhi? If so, what is the rate at which sugar is selling?

Shri Thirumala Rao: I want notice of that question.

Shri T. N. Singh: Could the hon. Minister give me information as to what amount is allotted to the Confectioners in the Delhi province itself and what proportion does that bear to the quantity given to individual consumers?

Shri Thirumala Rao: I want notice for details of these figures.

Shri Poonacha: What is the unshipped quantity of sugar that is yet expected in India?

Shri Thirumala Rao: About 40,000 tons are still expected.

Shri Goenka: May I know what is the unshipped quantity for the year 1950?

Mr. Speaker: That is exactly the question which he answered just now.

Shri Goenka: What is the total quantity purchased in the year 1950 for import into India, what is the quantity shipped, and what is the quantity still to be shipped?

Shri Thirumala Rao: Sixty thousand tons were purchased of which 19,800 tons were imported; the remaining quantity remains to be imported.

Shri Sidhva: May I know whether the full quota allotted to the aerated waters manufacturers has been supplied last year?

Shri Thirumala Rao: I want notice of the question.

Mr. Speaker: Next question.

Shri Goenka: One question, Sir.

Mr. Speaker: Next question.

SUGAR FOR AJMER

*1351. **Pandit M. B. Bhargava:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quota of sugar allotted to the State of Ajmer in the year 1950;

(b) the quantity of sugar actually released to the various ration shopkeepers in the State of Ajmer up to 31st December, 1950, and the quantity of sugar actually distributed by them to the consumers;

(c) the quantity of sugar allotted to the *halwais*, confectioners, tea-vendors and other establishments in the State of Ajmer, in the city of Ajmer and in the rest of the State of Ajmer and what percentage does this quantity form of the total quota allotted to the State;

(d) whether the State authorities have got any machinery to check as to whether the quota allotted to establishments mentioned in part (c) above is actually consumed by them, and does not disappear in the black-market; and

(e) whether the Ajmer rationing authority or the anti-corruption department have held any enquiry regarding the actual consumption of sugar and sale of sweets by the confectioners and *halwais*, and if not, why not?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) 4779 tons. As there was no control on sugar in 1948-49, no quota of sugar was allotted to the State during that year. But when sugar was frozen in September, 1949, a quantity of 800 tons sugar was allotted to the State on an *ad hoc* basis from the frozen stocks for consumption during the months of October to mid-December, 1949.

(b) 4497 and 4282 tons respectively.

(c) In the city of Ajmer 37.1 tons and in the rest of the State 23.5 tons monthly. This quantity forms 13 per cent. of the total average quota of 460 tons per month allotted to this State during the calendar year 1950.

(d) There is small staff for enforcement but the number of establishments is so large and the nature of their business is such that real check in practice cannot be maintained on the utilisation of the allotted sugar.

(e) Yes, quotas are issued to establishments and other quota-holders after due enquiry.

Pandit M. B. Bhargava: May I know whether even after there is a free market, these quotas are allotted to these establishments?

Shri Thirumala Rao: No, Sir; I have not got information on that.

Pandit M. B. Bhargava: May I know whether, in respect of the Centrally Administered Areas, it is the Government of India that decides the policy whether there is to be a free market or not, or whether it is the State Government that decides the policy?

Shri Thirumala Rao: The policy is decided by the Government of India in consultation with the State Governments.

Pandit M. B. Bhargava: May I know whether there is any free market for the sale of sugar in any of the Centrally Administered Areas and whether the policy is determined by the Government of India?

Shri Thirumala Rao: Almost all the States have got a free market over and above the quota.

Pandit M. B. Bhargava: My question was in respect of the Centrally Administered Areas about which the policy is laid down by the Government of India. What is the policy laid down by the Government of India in respect of free market in sugar?

Shri Thirumala Rao: It is a uniform policy all over India.

Pandit M. B. Bhargava: What is the per capita quota allotted for Ajmer?

Shri Thirumala Rao: I want notice.

Shri Jhunjhunwala: Is it uniform throughout India or does it vary from State to State?

Shri Thirumala Rao: It varies from State to State.

Shri Jhunjhunwala: What is the principle behind it?

Mr. Speaker: Order, order.

Shri Ghule: May I know whether it is not a fact that instructions have been issued by the Central Government to the State Governments that *Haltwais* should not be allotted sugar?

Shri Thirumala Rao: No such instructions have been issued.

Shri Dwivedi: What quantity is given to the confectioners of Ajmer, and the rest of India?

Shri Thirumala Rao: The All India Confectioners Association is allotted a certain quota, which makes distribution among its constituents and Ajmer gets its share.

VILLAGE OIL INDUSTRY

*1352. **Shri Barman:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any 'village oil industry' Enquiry Committee was constituted under 'Oil Seeds' Committee to enquire into the condition of village oil pressing industry in India in 1949;

(b) if so, whether the Committee has submitted its report;

(c) if so, what are the main recommendations; and

(d) what action, if any, has been taken on the recommendations?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) and (b). Yes.

(c) and (d). A statement giving the requisite information is laid on the Table of the House. [See Appendix XI, annexure No. 15.]

Shri Barman: Has the Government considered the amount that would be collected by means of a cess of one pice per pound of oil extracted in the mills? Is it to the extent of 75 lakhs of rupees?

Shri Thirumala Rao: I have not got information; I want notice.

Shri Barman: In view of the fact that the development and expansion of the oil industry requires a lot of money, will Government give its urgent thought to give effect to this recommendation No. 1?

Shri Thirumala Rao: Government have noticed the recommendation of the Oil Seeds Committee in this behalf and will give their best consideration to it.

Shri Barman: In part (d) (iii), of the answer it is stated that certain Governments have accepted this recommendation that *telis* owning two *ghanis* be exempted from sales tax? Is this exemption on a permanent basis or a temporary basis?

Shri Thirumala Rao: I want notice.

Prof. Ranga: Is it a fact that the Annual meeting of the Central Oil Seeds Committee came to be postponed at the last moment, not on the orders of the President or the Vice-President, but some other orders communicated from some source in the Ministry?

Shri Thirumala Rao: No, Sir. As the President of the Central Oil Seeds Committee fell ill suddenly, the meeting had to be cancelled.

Shri Munavalli: When did the Government receive the report of the Enquiry Committee?

Shri Thirumala Rao: The Committee first submitted its report in October, 1949.

Shri Dwivedi: Has the President of the Oil Seeds' Committee recovered since then?

Shri Thirumala Rao: Oh yes, by your goodwill.

Shri Barman: In view of the fact that the development of this industry requires that the government should give exemption to the *Ghants* on a permanent basis, will Government consider the desirability of asking the State Governments to consider the matter of giving exemption to this cottage industry on a permanent basis?

Shri Thirumala Rao: This is a question of interfering with the State Government's discretion in the matter of taxing its own resources.

Ghee (PRODUCTION AND CONSUMPTION)

*1353. **Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to state:

(a) the average outturn of ghee per maund of milk in India;

(b) whether the outturn varies from cow's milk to she-buffalo's milk and if so, what is the variation;

(c) what percentage of the total production of milk in this country is converted into ghee; and

(d) what is the average per capita consumption of ghee per year in India?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) About 2.1 seers.

(b) The average outturn per maund of cow's milk is about 2.00 seers and for buffalo's milk about 2.8 seers.

(c) About 43 per cent.

(d) 1.4 seers per annum in undivided India. Figures for divided India are not yet available.

Shri S. C. Samanta: Are Government aware that the annual per capita consumption of ghee in India is the lowest in the world, and if so, what steps have Government taken to improve the production of ghee in India?

Shri Thirumala Rao: Government are aware that the consumption of ghee is very low in India and the Government in the department concerned are taking every possible step to improve the production of ghee.

Shri S. C. Samanta: What is the annual quantity of ghee imported to India by land and by sea?

Shri Thirumala Rao: I don't think any ghee is being imported to India from outside.

COTTON CROPS

*1354. **Shri Balmiki:** Will the Minister of Food and Agriculture be pleased to state:

(a) the prospects of cotton crops in the country this year; and

(b) the estimated production in the various States?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) The prospects of cotton crops during 1950-51 in the Country, as a whole, were fairly satisfactory.

(b) The hon. Member is referred to the reply given to Starred Question No. 603 on the 4th December, 1950.

Shri Sidhya: Sir, may I know whether the Planning Commission has made out any five year plan regarding the cash crops to be produced in this country, and if so what is that plan?

Shri Thirumala Rao: I am not aware of any finished report of the Planning Commission in this behalf.

Shri Sidhya: What is the production of cotton expected in the next five years? Will that be laid down now, or will there be change from cash crop to food crop and food crop to cash crop?

Mr. Speaker: Is the hon. Member referring to any recommendation of the Planning Commission?

Shri Sidhya: Yes, but this relates to the cotton crop, and the work of the Cotton Committee also.

Mr. Speaker: But the hon. Minister has said he knows nothing about the recommendations of the Planning Commission.

Shri Dwivedi: Are Government aware of any reasons why for the past 25 years the Vindhya Pradesh is not producing large quantities of cotton as it used to do before?

Mr. Speaker: We will proceed to the next question.

SANTA CRUZ, DUM DUM AND PALAM AIR PORTS

*1355. **Shri Balmiki:** (a) Will the Minister of Communications be pleased to state whether it is a fact that Government are planning for the development and expansion of Santa Cruz Airport, Dum Dum Airport and Palam Airport?

(b) If so, what are the estimated expenditures for these airports separately?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) The development of the airports at Santa Cruz, Dum Dum and Palam was started soon after the last war and is in progress.

(b) The estimated cost of the development schemes as envisaged in the ten year programme of Civil Aviation Capital Works prepared by the Civil Aviation Department is Rs. 5,53,34,864 for Santa Cruz, Rs. 3,95,06,590 for Dum Dum and Rs. 3,34,53,888 for Palam. Due, however, to the present, stringent need for economy, it is unlikely that the Schemes will be completed in ten years as originally planned. Only facilities which are essential for the operation of air transport are being provided at these airports at present.

Shri Sidhva: What is the amount to be spent this year for each of these airports, if the figures are available for each airport separately?

Shri Khurshed Lal: All the figures were given in the Budget Estimates I think.

Shri Sidhva: But I am asking for the year 1951.

Shri Khurshed Lal: These will be available when the Budget is presented.

Shri Somavane: Is there any fund available as a Development Fund out of the earnings of these airports?

Shri Khurshed Lal: The earnings are a very small fraction of what we are spending every year on them.

Shri Deshbandhu Gupta: Sir, does the development of the Palam airport include the improvement of the village nearby? Does it include the improvement of the sanitary condition of this village which is very bad?

Shri Khurshed Lal: The immediate works at Palam are, provision of electric supply from the mains at a cost of Rs. 1,07,325, and this work is in progress, and then the construction of a wireless receiving station at a cost of Rs. 1,77,000, and this work will be undertaken in 1951-52.

Shri Deshbandhu Gupta: Will something be done to improve the sanitary condition of the village near-by?

Mr. Speaker: Order, order.

SOYA BEAN MILK

*1356. Shri Kshudiram Mahata: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any investigation was being carried at the Food Technological Laboratory of the Indian Institute of Science, Bangalore, regarding Soya Bean Milk; and

(b) if so, what are the results?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Yes; investigations regarding soyabean milk were carried out in the Biochemistry Department of the Indian Institute of Science, Bangalore from 1946 to 1949.

(b) The soyabean milk prepared according to the method developed as a result of the investigations was assessed at 85 to 90 per cent. of cow's milk in nutritive value.

FOOD CONFERENCE AT BOMBAY

*1357. Shri Kshudiram Mahata: Will the Minister of Food and Agriculture be pleased to state:

(a) the main points of decision arrived at regarding food problem for 1951 at the Food Conference, Bombay, held on or about 11th December, 1950;

(b) the target of import of food grains for 1951; and

(c) the names of deficit States with the quantity of estimated deficit cereals for each such State?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A copy of the Resolution passed at the Food Ministers' Conference held at Bombay on 11th to 13th December 1950 is laid on the Table of the House. [See Appendix XI, annexure No. 16.]

(b) The target of imports for 1951 is 3.7 million tons.

(c) A statement is laid on the Table of the House. [See Appendix XI, annexure No. 17.]

Shri Kshudiram Mahata: In view of the fact that the total demand of the deficit States is about six million tons, what is the main reason for the Government's arriving at the figure of 3.7 million tons for imports?

Shri K. M. Munshi: The limitation is imposed by the availability of foreign exchange.

Prof. Ranga: Sir, how is it that between 11th December and 11th February the estimate of India's need for import of foodgrain has gone up from 3.7 million tons to about 6 million tons as was stated either by the Press

or by the hon. Minister himself in the House?

Shri K. M. Munshi: Six million tons is the loss which has accrued to us during the last six months. The amount required by the States is also about 6 million tons. What we are going to purchase is 3.7 million tons. We are considering the question whether this should not be raised a little more, to the neighbourhood of about 4 million tons, if that is possible.

Shri Sidhva: With reference to the Statement placed on the Table of the House, may I know what was the demand of the Government of Bombay and how much has the Central Government promised to give them?

Shri K. M. Munshi: Bombay's demand was for one million tons and 7,00,000 tons were given in the basic plan.

Shri Sidhva: Why was not the full amount granted? Was it because the figures given by Bombay were not correct, or is it the intention to give the balance later on?

Shri K. M. Munshi: It all depends on availability. If we get only about 3.6 million tons, we cannot give more than 700,000 tons.

Shri Bharati: Sir, what is the basis for the allocations in respect of the different States? What is the principle behind the allocation?

Shri K. M. Munshi: The demand for each State is arrived at by deducting the quantity it expects to procure locally from the quantity estimated to be its requirement for meeting its commitments.

Shri Kamath: Arising out of the answer to part (b) of the question, is there any truth in the press report appearing in this morning's papers that the hon. Minister had told an American press correspondent that the Central reserve is completely exhausted?

Shri K. M. Munshi: That is the American correspondent's paraphrase of what I stated, namely on the 1st January 1950 our reserves were 1.5 or 1.6 million tons and that we had eaten one million tons of it and the balance was 700,000 tons on the 1st January for the pipeline from the Centre.

Pandit M. B. Bhargava: May I know whether a target has been fixed for internal procurement of food-grains and what steps are taken for the realisation of the target?

Shri K. M. Munshi: I should like to have notice of the question.

Shri Tyagi: Was the statement made for American consumption or India?

Mr. Speaker: Order, order.

Shri M. L. Gupta: With reference to part (c) of the question Hyderabad's demand has been 160,000 tons. May I know how much allocation has been made to Hyderabad?

Shri K. M. Munshi: 75,000 tons.

Shri A. C. Guha: Will the hon. Minister clarify the point as to how this allocation is made to different States, in view of the fact that the quantity rationed in different States varies from seven to twelve ounces? In view of these glaring differences in the quantities of rations, how are the allocations made to different States?

Shri K. M. Munshi: So far as the directions of the Central Government are concerned the cut is uniform throughout the country. No doubt before that time varying quantities of rations were issued in different States.

Shri Bharati: What was the demand made by the Madras State and how much was allotted to it?

Shri K. M. Munshi: Madras demanded 700,000 tons and what was given was 400,000 tons.

Mr. Speaker: Next question.

ARABLE LAND IN VINDHYA PRADESH

*1358. **Shri Dwivedi:** (a) Will the Minister of Food and Agriculture be pleased to state how many pieces of waste arable land available for cultivation have been discovered in Vindhya Pradesh by Government?

(b) Are they available to private enterprise?

(c) What are the conditions, and facilities, if any, for getting any such plots of land?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Apart from lands held by tenants in their holdings, there are 29,29,167 acres of waste arable land in Vindhya Pradesh, of which, 1,00,577 acres are in 264 compact blocks of 100 acres and above.

(b) and (c). The lands are available to private enterprise for cultivation. For reclaiming and bringing the lands under cultivation, the following con-

cessions are allowed in respect of rent for the land:

| | | |
|------------------------------------|------------------------|-------------|
| (i) First two years .. | No rent. | } per acre. |
| (ii) 3rd, 4th, 5th and 6th year .. | .. -/8/- | |
| (iii) 7th year .. | .. -/10/- | |
| (iv) 8th year .. | .. -/12/- | |
| (v) 9th year .. | .. -/14/- | |
| (vi) 10th year .. | Full settlement rates. | |

Further, taccavi loans repayable in easy instalments are granted for reclamation by tractors, sinking of new wells, construction of paddy bunds and rabi embankments, construction and repair of tanks, and purchase of bullocks, rehats, and improved seeds and manure.

Shri Dwivedi: May I know if any pieces of such land have been given to applicants this year?

Shri Thirumala Rao: No, Sir. The scheme is to be finalised yet.

Shri Dwivedi: Is it a fact that areas of land as big as 12,000 acres are lying uncultivated up to this time?

Shri Thirumala Rao: All this land lies in the Malwa area and to bring the lands under cultivation the Malwa Development Board has been constituted. There are various kinds of lands there—those belonging to Government, Jagirdars and Zamindars. All these lands have to be brought under the control of Government by agreement with the Jagirdars and Zamindars. All these schemes are being finalised and then only the lands can be allotted.

Shri Dwivedi: May I know if some sort of cultivation is going to be done at Government level?

Shri Thirumala Rao: Government is not undertaking any such thing.

Shri Dwivedi: How long will it take to bring these lands under cultivation?

Shri Thirumala Rao: The Malwa Development Board was constituted in June 1950 and when all the formalities are finalised the operations can begin.

Shrimati Renuka Ray: When Government start these schemes, do they propose to start them on a co-operative basis?

Shri Thirumala Rao: Yes, in certain areas where cooperative schemes are feasible. They are also trying to bring them into existence?

Lala Achint Ram: Is any land being allotted to refugees also?

Shri Thirumala Rao: No allotment has yet been made. When it is made their claims will also be considered.

Shri Shiv Charam Lal: Was any land brought under cultivation in 1949-50 and if so how much?

Shri Thirumala Rao: I have said that it has not yet begun.

Dr. Parmar: Have any details been collected of the waste or arable land lying in different States?

Shri Thirumala Rao: Yes, I can give the figures, if the hon. Member wants them.

Dr. M. V. Gangadhara Siva: May I know whether for the cultivable land, survey number is published in the local gazette for the information of the public and if so, how many plots of land have been given to Harijans in proportion to other communities?

Shri Thirumala Rao: No allotment has yet been made. All these things are being finalised.

MOTOR VEHICLES TAXATION ENQUIRY COMMITTEE'S REPORT

*1359. **Shri B. R. Bhagat:** Will the Minister of Transport be pleased to state:

(a) whether the recommendations of the Motor Vehicles Taxation Inquiry Committee's report published recently have been considered by Government; and

(b) if so, what action is proposed to be taken on them?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The recommendations of the Motor Vehicles Taxation Enquiry Committee are still under consideration.

(b) The recommendations of the Committee will be discussed at the next meeting of the Transport Advisory Council to be held in April next and decisions will be taken thereafter.

Shri B. R. Bhagat: May I know whether the terms of reference of this Committee included also the nationalisation of transport?

Shri Santhanam: No, Sir. That was not a term of reference. The main term of reference was regarding the existing taxation of motor vehicles and recommendations to bring about some degree of rationalisation and uniformity in the principles of taxation.

Shri E. R. Bhagat: May I know whether the attention of the Government has been drawn to the recommendation of the Committee as regards transport coordination and regulation?

Shri Santhanam: They dealt with many ancillary matters. This is one of the matters they have dealt with in their report, a copy of which is available in the Library.

Shri Kamath: Has this report been so far placed before the Standing Committee for the Ministry of Transport?

Shri Santhanam: It will be placed first before the Transport Advisory Council consisting of representatives from all the States and the recommendations of the Transport Advisory Council will then be placed before the Standing Committee before the Ministry brings up any measure before the Parliament.

SUGAR

*1360. **Shri Ghule:** (a) Will the Minister of Food and Agriculture be pleased to state the date on which instructions were issued to the Governments of the States about the new policy about sugar, declared in Parliament by the Minister in December 1950?

(b) Since when was sugar allowed to be sold through shops other than the ration shops in the cities of Bombay, Kanpur, Delhi, Gwalior and Indore?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) 7th December 1950 and further on 3rd January 1951.

(b) There was no ban even previously on the sale of sugar through shops other than the ration shops in any of the towns mentioned. In Delhi however, such sale was prohibited from 15th November 1950. This ban was withdrawn from 12th December 1950.

Shri Ghule: May I know whether for Delhi special instructions were issued on the 15th November and for the other States they were issued on the 7th December? What was the reason for sugar being sold in Delhi from the 15th November?

Shri Thirumala Rao: Later a uniform policy was promulgated on the 12th December.

Shri Ghule: Are Government aware that except in Delhi where sugar is coming in very large quantities other

States are not getting so much sugar for sale? What is the reason for Delhi getting so much quantity of sugar?

Shri Thirumala Rao: Delhi is surrounded by areas where there is a large number of factories.

Shri Ghule: Are these factories allowed to send their sugar for sale in Delhi?

Shri Thirumala Rao: They are not allowed; but still somehow it comes.

Prof. S. L. Saksena: Are Government aware that all the sugar allowed to be sold through free sales goes into the black market and that forward contracts for sale of this free sugar are being entered into at Rs. 50 per maund?

Shri Thirumala Rao: People who have got last year's stock are bringing it out for sale. Whether in black or white market, it is available.

Shri T. N. Singh: Have Government tried to make any estimate of the quantity of hidden sugar that has come out in the open market following the order of 7th December?

Shri Thirumala Rao: We have not got any estimate of that.

Prof. S. L. Saksena: Are Government aware that forward contracts at Rs. 50 per maund have been made even now for sugar which is given for free sales to factories?

Shri Thirumala Rao: I am not aware of any public transaction at such a high price.

Shrimati Renuka Ray rose—

Prof. S. L. Saksena: Will Government make enquiries about it?

Mr. Speaker: Order. order. Shrimati Ray.

Shrimati Renuka Ray: May I ask what is the total quantity that has been supplied by factories, which was to be supplied before free sales were to be allowed? Also whether the full amount has been supplied? Otherwise, how is it that there are free sales in Delhi today?

Shri Thirumala Rao: The sales in Delhi are from stocks unsold from the last year's allotment. No such allotment has been made to mills from this year's production so far.

Mr. Speaker: Question No. 1362.

Shri Joachim Alva: May I raise a point of order on this, Sir? In regard to part (b) of this Question, is it permissible now, in view of the present

international situation, that we may know where our telephone workshops are situated?

Mr. Speaker: Order, order. That is hardly a point of order. It is for the hon. Minister to say.

AUTOMATIC TELEPHONES (MANUFACTURE)

*1362. **Shri Ramraj Jajware:** (a) Will the Minister of Communications be pleased to state whether all machineries, equipments and accessories required for telephone exchanges and for conversion of exchanges with operators into automatic systems of telephone are now manufactured in India?

(b) If so, where are the workshops?

(c) If not, are Government taking any step to encourage or promote such manufactures?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) No.

(b) and (c). The Posts and Telegraphs Workshops at Calcutta, Jabalpur and Bombay are manufacturing certain telephone equipment and the Government of India have also established a factory at Bangalore for the manufacture of automatic telephone and carrier equipment. This factory has started manufacture of some of the automatic telephone equipment but when it goes into full production which is expected to take about three years India will become self-sufficient in the matter of telephone equipment.

Dr. M. M. Das: Which are the Cities of India whose telephone systems are proposed to be converted into automatic system?

Shri Khurshed Lal: I submit, Sir, the question does not arise out of this.

FOOD GRAIN SUBSIDIES

*1363. **Shri Krishnanand Rai:** Will the Minister of Food and Agriculture be pleased to state whether it is a fact that Government are going to provide food grain subsidies to State Governments for big cities only and not for rural areas?

The Minister of Food and Agriculture (Shri K. M. Munshi): Under the revised scheme subsidy will be confined to grain sold in certain industrial and urban areas only.

Shri Krishnanand Rai: May I know the reasons for this arrangement?

Shri K. M. Munshi: The reason is that subsidy was given at one time because the price of foreign foodgrains was very much higher than indigenous foodgrain prices. Now what has

happened is that the price of indigenous food grains is much higher than that of foreign grains with the result that subsidy on that would be really illogical. Secondly, the subsidy was unevenly distributed in several areas in the country—for instance, Delhi, Bombay, Ajmer, etc. So, the attempt is now made to distribute the amount which was so far given as a subsidy to these areas only. If the subsidy was extended to the whole country, the burden would be in the neighbourhood of over Rs. 40 crores which, of course, the Central Exchequer was not able to bear.

Shri T. N. Singh: Have Government given any food subsidy for commitments of rural areas which have arisen in certain States as a result of the scarcity conditions?

Shri K. M. Munshi: Well, as a matter of fact, as I have pointed out, indigenous foodgrains are sold in the rural areas at a higher price. Therefore, it is not proper that imported foodgrains should be sold at a much cheaper price.

Shri Lakshmanan: May I know whether it is a fact that certain of the State Governments have indicated their disapproval of the scheme?

Shri K. M. Munshi: They have.

Shri Lakshmanan: May I know whether at yesterday's conference of Chief Ministers this subject was discussed and whether any decision was arrived at?

Shri K. M. Munshi: Well, no decision has been arrived at—the matter was discussed.

Shri Sivas Pillay: May I know whether the Government propose to consider differently for purposes of Central subsidies, deficit States which produce less than 50 per cent. of their needs for internal procurement?

Shri K. M. Munshi: No. I don't think that is correct.

Shri T. N. Singh: Is it a fact that in scarcity areas the State Governments are supplying foodgrains at cheaper prices than the market rates, and may I know whether for that reason Government has considered their case for grant of subsidy?

Shri K. M. Munshi: So far as deficit areas are concerned, the States can supplement the subsidy by giving grants from their own funds.

Shri T. N. Singh: I was referring to scarcity areas, not deficit areas.

Shri K. M. Munshi: Originally the subsidy was given on the whole

quantity of imported grain. Now it is given only in selected areas. That quantity of foodgrain which is consumed in that area is subsidised and sold at a lower cost. As regards the rest of the country, it would be the market price.

Shri Chattopadhyay: Sir, I have not been able to follow one answer correctly. Am I to understand that the hon. Minister said that the price of imported grains is for the present less than the price ruling in the country?

Does it include the price of paddy and rice also?

Shri K. M. Munshi: Not about paddy.

Shri Chattopadhyay: And rice?

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

LOCAL DELIVERY MAILS

*1364. **Seth Govind Das:** Will the Minister of Communications be pleased to state the amount of loss Government have suffered due to reduction in the price of postcards and letters for local delivery?

The Minister of Communications (Shri Kidwai): The revenue from the sale of postage stamps and postcards has increased. The excess till the end of December 1950 over the revenue for the same period in 1949 is Rs. 29.41 lakhs.

सेठ गोविन्द दास : अभी कितन कितन स्थानों पर यह लोकल डिलीवरी का प्रबन्ध है और जहाँ यह प्रबन्ध है वहाँ पर अगर रेवेन्यू बढ़ी है, तो क्या और जगहों पर भी इस का प्रबन्ध किया जा रहा है ?

[**Seth Govind Das:** At what places the arrangements for local delivery still exist, and if the revenue has increased at those places, are there any proposals to introduce it in other places as well?]

श्री किदवाई : इस का प्रबन्ध तो हर जगह पर है। जहाँ पर कोई साइब लोकल लेटर्स डालना चाहें वह डाल सकते हैं।

[**Shri Kidwai:** Such arrangements already exist everywhere. Any person can post local letters anywhere.]

Shri Syamaandan Sahaya: In view of the experience gained by the Government that the income from stamps has increased due to reduction in postal fares for local letters, are they considering any proposal to reduce the

stamp rates throughout the country even on non-local postage?

Shri Kidwai: I have not claimed that on account of reduction in local delivery rates the revenue has increased. I have only given the figures. Because there were no local rates in previous years, comparison is not possible.

Shri T. N. Singh: Has there been any corresponding increase in expenditure also?

Shri Kidwai: Bound to be!

SUMS PAID TO NIZAM OF HYDERABAD

(*1365. **Shri P. Y. Deshpande:** Will the Minister of States be pleased to state whether the sum of Rs. 25 lakhs which was paid per year to His Exalted Highness the Nizam of Hyderabad in respect of the perpetual lease of the four ceded districts of Berar under the old treaties is still being paid to the Nizam?

The Minister of States, Transport and Railways (Shri Gopalaswami): No.)

RAILWAY STOCKS (DISTRIBUTION)

*1367. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Railways be pleased to state whether or not all disputes arising out of the distribution of Railway Stocks between Pakistan and India have been finally settled?

(b) Is any portion of India's share of Stocks still in possession of Pakistan?

(c) If the answer to part (b) above be in the affirmative, what is the book value of such stock?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) No.

(b) Yes, but a portion of Pakistan stock is also in our possession.

(c) The information is not readily available.

Shri Kishorimohan Tripathi: What is the value of the stock held by India and the value of stock held by Pakistan?

Shri Gopalaswami: That information is not readily available as the original records relating to the procurement of the stock are in a majority of cases still in Pakistan.

Shri Kishorimohan Tripathi: What are the causes for which the transfers are not being effected?

Shri Gopalaswami: There has been some amount of delay. They are delaying the restoration of some stock.

Some of their stock is still with us. That has to be adjusted over a period of time.

Shri A. C. Guha: How much of the stocks held in Pakistan are expected to be received back in working condition?

Shri Gopalaswami: I shall be able to give that information after I receive them.

EXTENSION OF RAILWAYS

*1368. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Railways be pleased to state the total length of Railways in miles extended during the period from 15th August 1947 to 15th August 1950?

(b) What were the Railway administrations which were responsible for the extension in mileage and at what cost was it done?

(c) Is there any future programme of extension already in hand?

(d) If so, what is the total mileage involved?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Railway lines were extended by approximately 422 miles during the period from 15th August, 1947 to 15th August, 1950.

| (b) | Cost. |
|------------------------------|---------------------------|
| E. P. Railway 34.85 miles | Rs. 115.71 lakhs |
| G. I. P. Railway 43.95 miles | Rs. 85.14 " |
| Rajasthan Ry. 51.20 miles | Rs. 19.35 " |
| N.S. Railway. 76.31 miles | Rs. 88.88 " |
| Jaipur St. Ry. 37.49 miles | Rs. 120.78 " |
| Saurashtra Ry. 35.59 miles | Rs. 31.19 " |
| Assam Rail Link 142.51 miles | Rs. 853.17 " |
| Total | Rs. 1294.22 lakhs. |

The cost figures are for the whole construction and not for the part mileage only opened for traffic during this period.

(c) Yes.

(d) 236.61 miles are under construction and 312.28 miles are proposed to be taken up during 1951-52.

Shri Kishorimohan Tripathi: Have the future programmes of development been referred to the Planning Commission for coordinating the extension of Railways with the development of industry, trade and commerce?

Shri Santhanam: As the hon. Member knows, the so-called six year plan was scrutinised by the Planning Commission. But this is the current programme which has been decided during the last few years when the Planning Commission was not in existence.

Shri Rathnaswamy: May I know whether Government have received any representation from Travancore-Cochin State and the nearby districts for the extension of the railway line from Tirunelveli to Cape Comerin?

Shri Santhanam: Yes, Sir. We have received representations and representations were also made to me personally when I was there on tour. But this line will have to wait for its turn.

Shri Rudrappa: May I know whether any new lines were constructed in South India in 1950-51 and whether any will be taken up in 1951-52?

Shri Santhanam: In 1950-51 a small line of 17 and odd miles was taken up in South India and this will be completed in 1951-52. One or two lines for restoration will also be taken up in 1951-52.

Shri Rathnaswamy: May I know whether the survey for the extension of the line from Tirunelveli to Cape Comerin will be taken in hand?

Shri Santhanam: Not now.

Seth Govind Das: In view of the fact that the Planning Commission has come into existence now, are Government thinking of referring these railway development schemes to the Planning Commission and then make them final?

Some Hon. Members: Speak in Hindi please.

Seth Govind Das: Mr. Santhanam will not be able to follow Hindi.

Mr. Speaker: The hon. Member's question has been already answered.

Seth Govind Das: In view of the fact that the Planning Commission has now come into existence, I want to know whether Government are proposing to refer this matter to it.

Mr. Speaker: I think the reply of the hon. Minister was that these are normal things which are not referred to the Planning Commission.

Shrimati Ammu Swaminadhan: May I ask the hon. Minister when the line between Shoranur and Nilambur, which is to be reinstated, will be taken up?

Shri Santhanam: We propose to start the restoration in 1951-52.

Shri Lakshmanan: May I know when Government propose to take up the construction of the Quilon-Ernakulam line?

Shri Santhanam: We have ordered the survey and we shall await the survey report.

Shri R. L. Malviya: May I know whether Government have any intention to resume the work on the Bijuri-Parwadih line?

Mr. Speaker: Order, order. Next question.

PATHANKOT AIR CRASH (ENQUIRY)

*1369. **Shri Kamath:** Will the Minister of Communications be pleased to state:

(a) whether the report of the Committee inquiring into the Pathankot Air Crash has been received;

(b) if so, what are its findings and conclusions;

(c) whether a copy of the report will be laid on the Table of the House; and

(d) if the reply to part (a) is in the negative, when the Committee is likely to submit its report?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) and (b). The Court of Inquiry has not yet reported.

(c) Yes Sir.

(d) Probably by about the end of March 1951.

Shri Kamath: Has Sir, the recording of evidence and the examination of the wreckage by technicians or other experts either here or in England been completed?

Shri Khurshed Lal: The only thing that is delaying the submission of the report is that we have not yet received from the U.K. the report about the examination of the parts which were sent there. The report is expected to be received by the end of this month.

Shri Kamath: When were the parts sent to England, Sir?

Shri Khurshed Lal: One batch was sent on the 3rd October 1950 and another on the 22nd November 1950.

Shri Kamath: How many experts were brought over from England to examine the wreckage here?

Shri Khurshed Lal: There was only one foreign expert associated with the enquiry.

Shri Kamath: Was it considered necessary after the examination here that further examination of the parts should be done in England?

Shri Khurshed Lal: Obviously so. Otherwise, these parts would not have been sent to England.

Shri Kamath: To whom were these parts sent?

Shri Khurshed Lal: To the Director of Royal Aircraft Establishment, Farnborough.

EAST UTTAR PRADESH SUGAR FACTORIES

*1370. **Shri Biyani:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether a special officer was appointed to study the efficiency of sugar factories and suggest ways and means, whereby the East Uttar Pradesh sugar factories might be profitably distributed from their present crowded positions;

(b) whether the officer has made any suggestions in this connection; and

(c) whether Government are considering the question with regard to the crowded position of East Uttar Pradesh sugar factories?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Yes. A special officer was appointed by the Uttar Pradesh Government in 1945. He has since retired and settled in U.K. He has not yet submitted his complete report.

(b) Not yet.

(c) Yes. Government of India are considering the question not only in respect of factories in Uttar Pradesh, but also in respect of factories in Bihar in consultation with the State Governments concerned.

Shri T. N. Singh: Is it a fact that one of the proposals made to make these factories more economic is for greater use of the by-products and the manufacture of power alcohol, and have these factories started this type of utilisation of the by-products?

Shri Thirumala Rao: No final decision has been reached about these matters. I cannot answer piecemeal questions.

Shri T. Husain: May I know if it is a fact that there are many factories which are not getting sugar cane and this is the reason why there is a shortage of sugar production in this country?

Mr. Speaker: Order, order. It need not be answered. He is giving information.

WHEAT RECEIVED UNDER INTERNATIONAL WHEAT AGREEMENT

*1371. **Shri Sivaprakasam:** Will the Minister of Food and Agriculture be pleased to state:—

(a) the total quantity of wheat shipments which arrived in India after the 1st January 1951 from the U.S.A. and Canada under the International Wheat Agreement; and

(b) the quantity of wheat promised by or expected shortly from these countries under the same agreement?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) U.S.A. 27,335 tons.

Canada 55,411 tons.

(b) U.S.A. about 522,937 tons.

Canada about 241,089 tons.

Shri Sivaprakasam: In view of the new arrivals of food, do Government propose to restore the recent cut in the ration?

Shri Thirumala Rao: Nothing can be done in view of expected arrivals.

Shri Kamath: Is it a fact that Government is expecting one food ship per day during the next few weeks?

Shri Thirumala Rao: Provided shipping position is easy, we hope to get one food ship a day.

Shri Kamath: What is the position today?

Shri Thirumala Rao: We are getting 1.6 food ships a day.

ARANTANGI-KARAIKUDI RAILWAY LINE

*1372. **Shri Sivaprakasam:** (a) Will the Minister of Railways be pleased to state whether the work for the extension of Railways from Arantangi to Karaikudi on the S. I. Railway has been started?

(b) If so, what is the progress so far made?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The reply is in the affirmative.

(b) A notification authorising the Madras Government to acquire lands for the construction of this line on behalf of the Central Government has been issued. Arrangements are being made to start the earthwork as soon as possession of the land is obtained. The work on major bridges is in hand and the progress so far made is 20 per cent. Arrangements are in hand for commencing the work on minor bridges as well.

Short Notice Question and Answer

CUT IN FOOD RATION

Shri Tyagi: Will the Minister of Food and Agriculture be pleased to state:

(a) the circumstances under which a reduction of ten to twenty-five per cent of food rations has been effected in the rationed areas; and

(b) the present stocks in hand and the amount of food grains expected to be imported?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The House is aware of the successive natural calamities we have had since July 1950. During the last few months, the distribution system in most of the States has been facing a severe strain and subsisting on a ship to mouth basis. Breakdowns have occurred in some areas. As compared with the stocks held by the States on 1st January, 1950 there has been a reduction to the extent of about 9 lakh tons on the 1st January 1951. Owing to shipping difficulties it has been found impossible to bring into the country sufficiently large quantities to meet the demands for current consumption and for building up adequate stocks, although arrivals of imports even under the present difficulties, are much larger than during the corresponding period of last year. To avoid breakdown and to rehabilitate the stocks, it was decided to reduce temporarily the overall quantum of the ration to 9 ozs.

One of the important considerations which has led the Government to this decision is the meagreness of the rice availabilities. The internal availability of rice has been considerably reduced by drought in the rice surplus areas. The stocks of wheat and millets are low and the imports of wheat and milo during the next two months will not be enough to make good the 12 ozs. ration. Therefore, if the ration was not reduced, the deficit could only be made good from rice stocks which form the bulk of the procurement in these months and

during the period July to October, we should have had to face a serious rice shortage in the country.

(b) On the 1st of January 1951, the total Government stocks amounted to over 7 lakh tons. On the 1st of February the stocks amounted to 8.8 lakh tons. As a result of the reduction in the scale of ration it is expected that the stocks will amount to about 12 lakh tons by the end of March 1951 providing a margin against the difficulties of the lean months which must follow. Estimated arrivals of foodgrains from abroad during February are 2.92 lakh tons, during March 3.22 lakh tons and during April 2.72 lakh tons. March and April figures are not complete and are expected to improve.

Shri Tyagi: May I know from which countries are the Government importing foodgrains?

Shri K. M. Munshi: From Australia, Canada, U.S.A., Argentina, Uruguay, Thailand, Burma and China.

Shri Tyagi: Why not from Pakistan where the wheat is selling at Rs. 7 to 8 per maund?

Shri K. M. Munshi: As soon as imports are available from there we shall consider about it.

Shri Tyagi: May I know whether any negotiations have been made with Pakistan with a view to getting wheat from that country?

Shri K. M. Munshi: The hon. Member must have seen from the papers that certain exploratory talks have taken place.

Shri Tyagi: By which date does the hon. Minister expect to restore the cut in rations?

Shri K. M. Munshi: It depends upon the length of the negotiations.

Shri Tyagi: How is the constructive programme of improving agricultural conditions and improvement of land is going on in the country?

Mr. Speaker: Order, order.

Shri K. M. Munshi: I am quite willing to say all that, but it will take some time.

Shri Kamath: With reference to the natural calamities mentioned by the hon. Minister, bearing in mind the happenings of the last ten or twenty years, which were the particular calamities that were not foreseen by Government or were not provided for by Government?

The Minister of Works, Production and Supply (Shri Gadgil): Mr. Kamath putting questions!

Shri K. M. Munshi: I will enlighten the House. The floods in North Bihar during June—that is not normal. Cyclone and heavy rains in parts of West Bengal in July—that is not normal. Earthquakes and floods in Assam in August—absolutely abnormal. Then floods in Eastern Uttar Pradesh, Punjab, PEPSU and Kashmir in September: this is the first time so many States had visitations of this character. Drought in Eastern Uttar Pradesh, Bihar, Parts of West Bengal, Orissa, Vindhya Pradesh and Madhya Pradesh since mid-September: failure of the North-East monsoon affecting South Madras, Coorg, parts of Mysore, Hyderabad and Bombay.

Shri Kamath: During the last ten years, which particular year or years have been completely free from floods and drought in India?

Mr. Speaker: Order, order.

Shri Tyagi: The Deputy Minister in one of his replies said that we are receiving 1.6 ships per day. May I know where is the 0.4 ship going?

Mr. Speaker: The hon. Member will do well in not persisting in putting that question.

Shri A. C. Guha: Is it true that the hon. Minister made certain statements in the early part of January in Calcutta that there would be no difficulty as regards food supply in the subsequent two or three months?

Shri K. M. Munshi: I did not say that there will be no difficulty. What I said was that there would not be such scarcity as would lead to a crisis.

Shri A. C. Guha: How then, suddenly, within two or three months.....

Mr. Speaker: Order, order. I think we have sufficient information on this matter now.

WRITTEN ANSWERS TO QUESTIONS

AMRAVATI-NARKHED RAIL LINK

*1361. **Dr. Deshmukh:** Will the Minister of Railways be pleased to state:

(a) whether the construction of railway link between Amravati and Narkhed is proposed to be taken up in the next financial year; and

(b) if not, when it is likely to be taken up?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) No.

4.

(b) This line is not among the list of projects so far approved by the Central Board of Transport.

D. T. S. BUS SERVICES

*1396. **Giani G. S. Musafir:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that D.T.S. buses normally are not punctual in their services;

(b) whether the authorities have received any complaints in the matter; and

(c) if so, what steps have so far been taken in the matter?

The Minister of State for Transport and Railways (Shri Sankhanam): (a) I regret it has not been possible to ascertain the precise degree of punctuality attained by the D.T.S. buses.

(b) Complaints in the matter have been received by the Delhi Road Transport Authority from time to time.

(c) I understand that the Authority is trying its best to maintain the regularity of the services. Among the steps taken are:

- (i) provision of more vehicles,
- (ii) improvement in facilities for maintenance and repairs of vehicles,
- (iii) enforcement of discipline on the staff and
- (iv) securing the aid of local Traffic Police whenever unusually heavy traffic congestions develop.

ALLOCATION OF FERTILIZERS

*1373. **Shri Biyani:** Will the Minister of Food and Agriculture be pleased to state:

(a) the allocations of fertilizers made to various State Governments in the financial years 1949-50 and 1950-51;

(b) the basis on which these allocations are made and the system of distribution to the ultimate consumer; and

(c) whether it is obligatory on the part of the State Governments to mix a specified quantity of superphosphate with sulphate of ammonia and how far have the State Governments carried out this obligation and if not, why not?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Allocations are made to the State Governments only in respect of sulphate of 302 P.S.

ammonia and superphosphate. Previously the allocations were made according to the Fertiliser year from July to June. From 1950, however, they are being made according to the calendar year. Statements of allocations of Sulphate of Ammonia and superphosphate from July, 1949 to December, 1950 are placed on the Table of the House. (See Appendix XI, annexure No. 18.)

(b) Allocations are made on the basis of the requirements indicated by the State Governments, keeping in view the availability of material. The State Governments make their own arrangements for the distribution to the ultimate consumers. The system adopted varies in different States. It is through State Depots, Co-operative Societies or Private Agencies on commission basis.

(c) No. The State Governments are, however, advised to use sulphate of ammonia in conjunction with superphosphate. The proportion in the mixture varies according to soil and climatic conditions, nature of the crop, irrigation facilities, etc. The State Agriculture Department advises the cultivators regarding the correct proportion to be used in any particular areas and crop.

PURCHASE AND SALE OF FOOD GRAINS

*1374. **Shri Deogirikar:** Will the Minister of Food and Agriculture be pleased to state:

(a) the prices at which (i) wheat, (ii) rice, (iii) milo were purchased in U.S.A. in the year 1950; and

(b) the prices at which these articles were sold in Bombay and Madras States?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The average f.o.b. prices at which wheat and milo were purchased from U.S.A. during 1950 were Rs. 11/12/- and Rs. 7/5/- per maund respectively. No rice was purchased from U.S.A. during the year.

(b) A statement showing the average wholesale issue prices of wheat and milo in Bombay and Madras States in 1950 is laid on the Table of the House. [See Appendix XI, annexure No. 19].

POSTAL EXPENDITURE

*1375. **Prof. K. T. Shah:** Will the Minister of Communications be pleased to lay on the Table of the House a

statement giving the following particulars:

(i) the regulations governing expenditure on the extension of developments of postal facilities, distinguishing between the amounts charged to capital account, and those charged to revenue account;

(ii) the present estimated capital cost of projects of Postal Services Development, including introduction of machinery or devices for Labour saving, now being implemented, and what will be the recurring cost for the same, when completed and in working order; and

(iii) when these projects are expected to be completed and be in working order?

The Deputy Minister of Communications (Shri Khurshed Lal): (i), (ii) and (iii). A statement is laid on the Table of the House. [See Appendix XI, annexure No. 20.]

LAND RECLAMATION IN ASSAM

*1376. Shri J. N. Hazarika: Will the Minister of Food and Agriculture be pleased to state:

(a) the acreage of land that has been reclaimed in the State of Assam under Grow More Food Scheme;

(b) the expected yield of the land so reclaimed; and

(c) the amount of expenditure incurred by the Government of India for the Grow More Food campaign in Assam since 1947?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) 11,099 acres.

(b) 4,556 tons.

(c) During the years 1947-48 and 1948-49, the total expenditure incurred by the Government of India for the Grow More Food campaign in Assam was Rs. 17-25 lakhs. Figures of actual expenditure for the years 1949-50 and 1950-51 are not yet available.

AUTOMATIC TICKET MACHINES

*1377. Shri Rathaswamy: (a) Will the Minister of Railways be pleased to state whether it is a fact that automatic ticket machines are to be installed at important G.I.P. Railway suburban stations and if so, when?

(b) What are the other Railways where these machines will be installed shortly?

(c) Is it a fact that these are designed on the type used at the London underground Railway stations?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes, as soon as the machines for which orders have been placed are delivered by the Firm.

(b) E. I. and S. I. Railways.

(c) Yes.

LOCUST CONTROL

*1378. Shri Rathaswamy: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that helicopters have been found useful in the supervision of locust control work and surveying locust infestations particularly in inaccessible places;

(b) if so, whether it is the intention of Government to employ these machines; and

(c) what are the countries from which those may be imported?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes.

(b) The question of employing helicopters for locust work is under present examination.

(c) United Kingdom and United States of America.

EMERGENCY LANDING OF INDIAN DAKOTA IN EAST BENGAL

*1379. Shri Rathaswamy: Will the Minister of Communications be pleased to state:

(a) whether the attention of the Government of India has been drawn to the statement published by the East Bengal Government on the 24th December 1950 contradicting the statement made by the Government of India on the 22nd December 1950, in reply to my Short Notice Question regarding emergency landing of an Indian Dakota plane in East Bengal; and

(b) whether the Enquiry Committee have completed its investigations into the causes and the casualties of this accident?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Government is not aware of any statement published by the East Bengal Government on the 24th December 1950 to contradict the statement made by me in the House on the 22nd December 1950 in reply to the Short Notice Question of the hon. Member regarding the emergency landing of an Indian Dakota in East Bengal.

However, in the *Hindustan Times* of December 26, 1950, there appeared a report dated Dacca, December 25 containing a Statement issued on the subject by the Government of East Bengal.

(b) Yes Sir. I may add that the House will remember that when I

answered a Short Notice question on the 22nd December, 1950, I had stated that the information with me at the time was subject to verification. I now find that that information was incorrect in two particulars, namely, that the passengers were not immediately rushed to Tangail hospital, but the passengers and crew left the scene of forced landing for Porabari, a village two and a half miles from the site of forced landing, Messrs. Himatsingka and Mukherjee being carried on stretcher. On reaching Porabari some passengers left by hackney carriage and the remaining passengers and crew decided to spend the night in Mr. Saha's house in Porabari. There the condition of Messrs. Himatsingka and Mukherjee became serious and Mr. Himatsingka died at 8 P.M. and Mr. Mukherjee was taken in the Sub-Divisional Officer's jeep for Tangail hospital, where he was admitted and died at 10 P.M.

The other inaccuracy in my statement was that I had stated that another passenger and a member of the crew died in hospital at Dacca. But the fact is that they died in the hospital at Tangail on the afternoon of the 18th December, 1950.

LICENCES FOR AMATEUR BROADCASTING

*1380. Shri M. V. Rama Rao: Will the Minister of Communications be pleased to state:

(a) whether licences for amateur broadcasting have been granted in India;

(b) if so, the number of such licences granted during the year 1950;

(c) the number of licences renewed during the month of January, 1951;

(d) the number of persons to whom such licences have been granted in Mysore State; and

(e) the wave-lengths assigned for amateur broadcasting in India?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) No licences are given for amateur broadcasting, but licences are issued to amateurs for conducting experiments in the course of which only messages relating to the experiments may be transmitted. No private or commercial messages or entertainment programmes may be broadcast or transmitted under these licences.

(b) to (e). A statement giving the information asked for in respect of licences issued to amateurs for conducting experiments is laid on the Table of the House. [See Appendix XI, annexure No. 21.]

RAJASTHAN UNDERGROUND WATER RESOURCES BOARD

*1381. Shri M. V. Rama Rao: Will the Minister of Food and Agriculture be pleased to state:

(a) the total expenditure incurred during the year 1950 by the Rajasthan Underground Water Resources Board;

(b) the number of wells sunk so far;

(c) the total output of water from all the wells;

(d) the estimated acreage irrigated by this supply; and

(e) the estimated food crops grown thereon?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a)

Rs.

(i) 1949-50. (6th December 1949 to 31st March 1950) ... 48,659

(ii) 1950-51. (1st April 1950 to 8th November 1950) ... 81,525

(b) One open and 15 tubewells.

(c) 1,50,000 gallons per hour.

(d) and (e). The water made available can irrigate 750 to 1,000 acres of land, with a possible yield of 7,000 to 10,000 maunds of food crops. While the Rajasthan Water Board is concerned with the exploration of water resources, the utilization of this water is the function of the Rajasthan Government.

TOOFAN EXPRESS ACCIDENT (ENQUIRY)

*1382. Shri M. P. Mishra: Will the Minister of Railways be pleased to lay on the Table of the House a copy of the findings of the judicial enquiry conducted about the train disaster that took place on the E.I.R. between Karmanasa and Durgawati in the early hours of the morning of the 13th August, 1950 and state:

(a) the cost that the Government of India had to incur in the course of this enquiry; and

(b) the names and designation of the judges and the assessors?

The Minister of State for Transport and Railways (Shri Santhanam): Ten copies of the Report on the judicial enquiry have already been placed in the Library of the House.

(a) As the expenditure has not yet been fully incurred, it is not possible at present to specify the amount.

(b) The hon. Mr. Justice Bose, Judge, Calcutta High Court conducted the enquiry. Shri V. P. Bhandarkar,

retired Member, Transportation, Railway Board and Shri J. N. Nanda, retired General Manager, Nizam's State Railway were the Assessors.

FOOD POSITION IN BIHAR

*1383. Shri M. P. Mishra: Will the Minister of Food and Agriculture be pleased to state:

(a) the latest food position in the State of Bihar;

(b) the aid that the Government of India have extended to that state; and

(c) the steps to be taken to avert the impending famine there?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The crops have failed on account of drought and the general price level is high.

(b) The Government of India have promised to supply 6,00,000 tons of foodgrains in 1951 to Bihar.

(c) (i) Special steps have been taken to ensure prompt movement of foodgrains to the State as well as within the State of Bihar.

(ii) The Grow More Food Campaign has been intensified. Total sum to be spent in Bihar on Grow More Food Scheme is Rs. 2.14 crores which will be shared as follows:

| | |
|---|-------------|
| 75 per cent. of food bonus earned by Bihar. | 1.10 |
| Government of India ... | 1.02 |
| Government of Bihar ... | 1.02 |
| Total ... | 2.14 |

(iii) Distribution of food by Government is being steadily increased. The number of Government ration shops is now about 1965 covering a population of 7.3 millions.

BEGGING ON RAILWAY PLATFORMS

97. Shri Ramraj Jajwara: Will the Minister of Railways be pleased to state:

(a) whether begging by lepers on Railway platforms has been banned by law;

(b) if so, how far the restriction is practically observed; and

(c) if no such bans are in existence, whether Government contemplate to impose such restrictions in the best interests of the public or not?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The general rules framed in exercise of powers conferred by section 47 of the Indian Railways Act, 1890, prohibit, *inter alia*, any person, whether in possession of a ticket or not, from begging or soliciting alms, subscriptions or charity in any part of railway premises or trains. Anyone acting in disregard to this rule is liable to be removed from a station platform or any part of railway premises.

(b) Railway staff do endeavour to enforce observance of the rule, generally with success.

(c) Does not arise in view of the answers to parts (a) and (b) above.

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No. 1-20

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Par. S.2. VIII. 1.51

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Monday

5th February, 1951

to

2nd, March, 1951



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PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part II—Proceedings other than Questions and Answers

CHAMBER PUBLISHED ON...

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THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

2696

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PARLIAMENT OF INDIA

Monday, 12th February, 1951

*The House met at a Quarter to Eleven
of the Clock.*

[*MR. SPEAKER in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

11-53 A.M.

**DEATH OF SHRI SHANTIDAS
ASKURAN**

Mr. Speaker: Before we proceed further, I have to inform the House of the sad demise of Shri Shantidas Askuran, who was an elected Member of the old Council of State till it ceased to exist from 15th August 1947. He was a prominent figure in the public and more especially in the business life of Bombay. In his death we lose an important link with the past generation.

I am sure the House will join with me in conveying our condolences to his family. The House may stand in silence for a minute and express its sorrow.

MOTION FOR ADJOURNMENT

**ABOLITION OF RURAL RATIONING IN
MADRAS**

Mr. Speaker: I have received notice of an Adjournment Motion from Mr. Velayudhan. He wants to discuss a definite matter of public importance—of course, he does not use the word "urgent"—namely:

"The abolition of rural rationing in the Madras State that has resulted in the sudden rise of price of foodgrains and also caused the non-availability of foodgrains to the larger sections of people who

310 PSD.

are practically under starving conditions at present and that the Central Government have failed to take immediate action to introduce statutory rationing throughout the areas where starving conditions exist today."

Now, in my view, it will not be possible for me to admit this as an adjournment motion, because I find that orders were issued more than a month and a half ago, leading to the abolition of rural rationing and I believe press interviews were given by the hon. Minister concerned. So, though the subject is very important—there is no doubt about it—and of public importance, it lacks the urgency which is necessary as an element for the admission of adjournment motions. That is one part of it.

Then, the other part is, the hon. Member may follow the procedure followed by Mr. Tyagi, namely, get the information that he wants by short notice question or otherwise and then, when the question of food comes for discussion he might raise this point during the course of discussion.

**STATEMENT BY THE PRIME
MINISTER ON FOREIGN AFFAIRS**

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The House has taken a great deal of interest in Foreign Affairs. More particularly, in the present period of continuing crisis, it is important that this House should be kept informed of developments and should give the weight of its support to the policy which we have been pursuing under its direction. I should like, therefore, to inform the House of important events that have taken place since I spoke on Foreign Affairs in Parliament last. Hon. Members know the broad trends from the public press, but as the tempo of events becomes swifter, what happened yesterday is apt to be forgotten today.

[Shri Jawaharlal Nehru]

About five weeks ago, I attended the Conference of Commonwealth Prime Ministers in London. I cannot give a detailed account of the talks that took place there because they were confidential. But the broad facts have been stated already; press communiques issued by the Conference itself from time to time, and more particularly the Declaration issued after the final sitting, give a fair indication of how our minds worked and what we aimed at.

Inevitably, much of our time was taken up by a discussion of the international situation, especially of the Far Eastern crisis. It was natural that the approaches of the different countries represented should not be identical: to some extent, each viewed these problems from a slightly different angle and, perhaps, emphasized some one aspect of them more than the other. But I should like to make it clear that there was, during these discussions, a very large measure of community of approach and objective. This was, indeed, very gratifying and is evident from the final Declaration of the Prime Minister. All of us had one primary purpose—the maintenance of peace in this afflicted world of ours. All of us realised that widespread war would be the most terrible of disasters and that we should strain every nerve to prevent it. War would be a disaster to any part of the world, but, perhaps, if world war came, the greatest sufferers would be the people of Europe, who have, in living memory, suffered so much from the horrors of two wars. It was natural, therefore, that the Prime Ministers assembled in London should be anxious to do everything to prevent a repetition, on a vaster and a more terrible scale, of this catastrophe, which might well put an end to the proud structure of European culture and civilisation.

But it was not Europe only that was concerned. Korea, in the Far East is rapidly becoming a heap of ruins, while rival armies move up and down this unhappy country. Other countries in Asia and elsewhere would also inevitably be greatly affected if war came.

The situation in Europe has been a difficult one. The immediate problem that is causing much concern is the rearmament of Germany. On the one side, it is thought, that security demands such rearmament. On the other, it is stated that this would be a breach of treaties and engagements and would endanger the security of other countries. So this question of the rearmament of Germany has become the most vital issue in Europe;

a great deal depends on how it is decided.

But, the immediate issue before the Conference was that of Korea and other connected issues in the Far East. If some kind of settlement could be arrived at in the Far East, there was no doubt that this would have a beneficial influence on the European situation as well as on many other international problems. Therefore, the Conference devoted much time to the Far East and its many problems. The military situation in Korea was grave and it seemed clear that no early decision could possibly be secured by a continuation of warfare. The only hope, therefore, lay in a negotiated settlement. It seemed clear to us that such a settlement could only be arrived at with the association and concurrence of the Powers principally concerned.

There was a general agreement that Korea should be unified and should, by a free election, decide its future and elect its own government. But an argument arose as to whether a cease-fire should precede or should follow certain agreements on principles on which negotiations for settling existing issues in the Far East should be based. One of the principal points in dispute was the future of Taiwan or Formosa. China claimed that in accordance with the Cairo Declaration, which was confirmed at Potsdam and which was, early in January 1950, reaffirmed in vigorous language by the U. S. Government, Taiwan should revert to China. China also claimed admission to the United Nations.

The House is aware that, for over a year, we have been firmly of opinion that the People's Government of China should be brought into the United Nations. This, according to us, was not only a recognition of a patent fact but was a necessary consequence of the whole scheme of the United Nations Organisation. Indeed, it may be said that if this unfortunate error of keeping out the new China from the U. N. had not been committed, much of the trouble that has subsequently occurred might have been avoided.

12 Noon

While we were meeting in London, the Three-man Committee of the U.N., and subsequently the First Committee, passed a resolution "on principles" which should govern a negotiated settlement in the Far East. These principles were carefully drafted and tried to meet, as far as possible, the legitimate demands of the various parties concerned. They provided for a cease-fire, for foreign armies to

withdraw from Korea, and for four or five Powers, including the People's Government of China, to meet to discuss the terms of a settlement in the Far East in accordance with international agreements and the U. N. Charter. Formosa was specially mentioned. It was clear that the international agreements referred to would include the Cairo Agreement regarding Formosa and Korea.

This resolution on principles was agreed to almost unanimously by the U. N. The U. S. A., which has been so intimately connected with Far Eastern developments and where there is strong feeling on this subject, also agreed to this resolution. The acceptance of these principles by so many Powers was a great advance and the hope of reaching a negotiated settlement became strong.

The Chinese reply appeared at first sight to be unfavourable and indeed was described by some, rather in a hurry, as a rejection. On closer examination, it was clear that it was not a rejection; in part it was acceptance and, in part, fresh suggestions. Subsequent clarification brought out still further that there was very wide area of agreement and the gap of disagreement had been very much narrowed. It was possible that this gap could also be closed if an earnest effort were made to that end.

Unfortunately, subsequent developments took a different turn and, ultimately, the U. N. passed a Resolution condemning China as an aggressor. It seemed to us unwise to pass it at a time when attempts were being made for a negotiated settlement. It was clear that it would not help at all to call a country aggressor when you intended having dealings with it in order to reach a settlement by negotiation. The two approaches were directly opposed to each other. Hence India opposed this resolution.

As we expected, the passing of this resolution has, for the time being at least, put an end to any attempts at negotiation or a settlement. We hope still that it may be possible for events to take a better turn in future but, I must confess that, at the moment, that hope has grown very dim.

When I spoke on Foreign Affairs in Parliament on the last occasion, I tried to avoid, to the best of my ability, a criticism of other countries. I did so because I felt that, at a time when people's passions are aroused, it does not help to cast blame about. That is not the temper out of which successful negotiations and a settlement emerge. That is not the temper of peace that

should govern our minds and actions, if we seek peace. Naturally we have our opinions which shape our policy and we think that a particular course is right and another is wrong. We give expression to these opinions and shape our policy accordingly. But in doing so, we have always sought the friendship of other countries, even though we might differ from them. The House will remember that we were grieved at a certain turn of events in Tibet, but we did not allow that to affect our policy or our desire to maintain friendly relations with the People's Government of China. I am glad to say that our relations with the new China are friendly at present. These relations have been helpful in the attempts that have been made to reach a negotiated settlement of the Far Eastern problem. The fact that we have failed is not due, I think, to any lack of trying on our part. So also with the United States of America, that great nation, on whom a vast burden of responsibility has fallen and which is playing such a decisive part in world affairs today. We have endeavoured to maintain the friendly relations that have happily existed between India and the United States and, in spite of difference of opinion, we shall continue to do so. There has been a great deal of criticism of our policy in the press and statements of prominent men in the United States. We welcome criticism and try to profit by it. We have not allowed this criticism to come in the way of our friendly feelings towards America, just as we cannot allow it to influence us in a direction which we consider unwise or wrong.

As I have often stated before this House, we do not claim to influence world affairs very much, nor have we any desire to do so. But fate and circumstance have cast a certain responsibility upon us also and dragged us into this whirlpool. We cannot easily escape this responsibility. The burden has to be shouldered to the best of our ability. In doing so, we have always to remember the main objectives for which we stand, and the principles that have governed our activities, whether in the past or in more recent times. It would be a misfortune indeed, if, either from passion or fear or for some temporary present advantage, we deviated from those principles and objectives and betrayed tomorrow for an uncertain today. Therefore, it is our firm intention to continue this policy, which is the pursuit of peace and unflinching effort to maintain friendly relations with all other countries. Above all, we shall endeavour not to allow passion and prejudice to cloud our minds and lead us to wrong or hasty action.

[Shri Jawaharlal Nehru]

The situation is full of peril not only for us but even more so for others in the world. Now, more than ever, we have to hold together and face the world as a united nation, prepared to face, without fear, whatever fate may bring.

The House knows that there were some talks about Kashmir when I was in London. It should be clearly understood that the Prime Ministers' Conference had nothing to do with them. It is not the function of that Conference to deal with such matters and this was made perfectly clear at the time. Informal conversations took place at which some of the Commonwealth Prime Ministers were present. I should like to acknowledge that all those Commonwealth Prime Ministers who participated in these informal talks were actuated by the desire to help in every way in a satisfactory settlement of the Kashmir problem. Their approach was friendly; they did not wish to interfere; they had no personal interest except the larger interest of solving a difficult problem which came in the way of peace. Unfortunately, those talks did not yield any result.

It would normally not be proper for me, here or elsewhere, to discuss the content of these private and informal conversations. Indeed, it was decided at the time, that no public reference should be made to them. But, since such a reference has already been made—it has even been stated that three suggestions were put forward, each of which was accepted by the Prime Minister of Pakistan and each rejected by me; and there has been a great deal of discussion on the subject in the press. I have no option but to deal with it.

We were dealing not merely with the question of Kashmir, important as that is, but with wider and deeper and more far-reaching problems. Therefore, I ventured to point out in the course of the informal talks that we had to be very careful about any step that we might take, lest it should lead to all kinds of fresh upsets and new troubles which might affect the whole of India and Pakistan. We have sought peace and friendly relations with Pakistan, because it is inevitable, in the long run, that India and Pakistan should be friendly and co-operative. If a wrong step were taken now, the consequences might take us very far in a wrong direction.

Another thing that I pointed out was that Kashmir was not just a piece of territory to be bartered. It contained millions of human beings and they could not be treated as chattel. We had gone there at the request of many of them for their protection. So long as they required us for protection, we were bound to keep our pledge given to them. But we had no right to impose anything upon them against their wishes.

Of the three suggestions made, one was that a Commonwealth force should be sent to Kashmir for the plebiscite. This suggestion was made in all good faith and without any ulterior motive. But I had to point out that the arrival of any foreign army on Indian soil would have unfortunate repercussions on Indian public opinion. It was only recently that foreign armies had left India and there would be fierce resentment if we, or anyone else, agreed, for any purpose, to have foreign troops come back to India. Then again, who were we to trust foreign troops on Kashmir? Moreover, the presence of foreign troops, might give rise to all kinds of speculations in the prevailing atmosphere of international suspicion. For these reasons, I could not accept this suggestion.

The second suggestion was that a joint Indo-Pakistan force should be responsible for the security of Kashmir. This also, I could not possibly accept, for it meant a complete reversal of what we had urged all along and, indeed, what the U.N. had agreed to, viz: that the first step should be the complete withdrawal of Pakistan forces from the Jammu and Kashmir State.

The third suggestion was that the Plebiscite Commissioner should himself raise a force in Kashmir. This was a novel suggestion which seemed to present practical difficulties. I said that, in spite of these misgivings, I was prepared to consider it in consultation with our friends in Kashmir, but always with due regard to our responsibility for the security of the State.

I shall now make a few general observations on the Kashmir problem. This problem has got a long history behind it. It is not history that began three years and four months ago, when a ruthless band of raiders invaded that lovely valley, bringing havoc and ruin. It has a history which goes back many more years, during which the people of Kashmir struggled again and again to gain freedom from autocracy and feudalism. It was a privilege for many of us to be associated with that brave struggle. During those days, the question arose in Kashmir

as to whether the people there would allow themselves to be submerged by the wave of communal bigotry or would stand out for freedom and nationalism as we understand them. There was no Indian army there, or other Indian influences, or any other kind of Indian pressure. The people of Kashmir built up a great national organization under a gallant leader and not only struggled for freedom but also won a great victory over communalism and bigotry. All the elements of the population of Kashmir stood shoulder to shoulder in that struggle, and the few that spoke and acted in terms of some medieval age, dishonouring the name of religion for the sake of political gain, were swept away. All this happened in the thirties, long before Partition came to India.

Let us remember this, and let those who criticize us without much knowledge of what has happened during the last twenty years, or indeed more recently, also remember it. For here deep and vital principles are involved for which we have fought all our lives in India; we are not going to give up those principles at anybody's bidding and under any threat. We have built up the noble structure of a free India on the basis of those principles and we will stand by them. The struggle in Kashmir should be seen in its proper perspective. It is a struggle of progress against reaction, of a secular nationalism against communalism and bigotry. If we succumb to the forces of reaction, then we would have failed indeed, for we would have given up everything that has made life worthwhile to us. If Kashmir succumbs to them, then all that has made Kashmir great and beautiful, in the realm of thought, culture and art, would be a thing of the past.

When the people of Kashmir struggled for freedom against autocracy during these last twenty years, where were they who today shout loudly from across the border about the freedom of Kashmir? Most of them were allied to the forces of reaction or were silent. They still remain the representatives of reaction, even though they talk a different language and invoke the name of religion to confuse the issue.

During these past three years or more, many questions have arisen which obscure the main problem in Kashmir. I shall not refer to this past history which is well known. I shall only remind the House that it was a unilateral declaration on our part that the people of Kashmir should decide their fate for themselves. That had nothing to do with Pakistan. But I shall repeat, for the benefit of those who have

short memories, that we sent some of our forces after a wanton and aggressive raid had taken place and was devastating the country. We went not only at the invitation of the Government of the day there, but also because the great popular organisation that had led the struggle for freedom invited us to do so. We knew that Pakistan forces had taken part in this invasion, but when we brought this fact to their notice, they denied it not only here but at Lake Success. For many months, while our plain offer for the people of Kashmir that it was for them to decide their own future by plebiscite or otherwise stood, there was no talk in Pakistan of a plebiscite in Kashmir; Pakistan hoped to attain its ends by force. When force failed to do so, Pakistan began thinking of the plebiscite.

What Pakistan said or did in this connection did not concern us. We had given our pledge to the people of Kashmir, and subsequently to the United Nations; we stood by it and we stand by it today, let the people of Kashmir decide.

During the past few months there has been an amazing and continuous outburst in Pakistan. Communal frenzy and religious bigotry have been raised to fever-heat and people continue to talk about *jehad* and holy war. I should like anyone to compare this with what has happened in India, in the press or elsewhere. We have said little. We have even withdrawn a considerable part of our army from Kashmir. Not so Pakistan. We are prepared to continue this withdrawal, if Pakistan would remove her troops from the State completely. We shall keep, inside the State, only the minimum number of troops necessary for security purposes. No rational person can regard the maintenance of this minimum, chiefly in outlying places on the frontier, as a threat to the fairness of a plebiscite. Which is the way to a free and impartial plebiscite, our way or the way of *jehad*?

One closing word on Kashmir. I have been charged with inconsistency, with following one policy in Korea and another in Kashmir. I confess I am totally unaware of any inconsistency. In spite of our strong feelings about Pakistan's aggression in Kashmir, we have never asked the United Nations to brand Pakistan as an aggressor with all the consequences that follow from that decision. All I have said is that the fact of Pakistan's aggression, and the danger to Kashmir from any future aggression of this type, must be borne in mind in devising ways and means to enable the people of Kashmir to determine their future.

[Shri Jawaharlal Nehru]

I have ventured to take up a great deal of the time of the House and I seek forgiveness for it. I have tried, as frankly as I could, to place what I have in mind before the House, because any policy that we may pursue or any step that we might take in these difficult times, can only be effective if we have the full confidence of this House and the country. We face perils and difficulties. We can face them with success when we are convinced that we are following the right course and when we are united in doing so.

Mr. Speaker: We will now proceed with the other Business.

Shri Tyagi (Uttar Pradesh): I wanted to enquire from Government if they are willing to allot a day during this session for the discussion of External Affairs, in the House?

Mr. Speaker: In the discussions on the Budget, he will have an opportunity.

PAPERS LAID ON THE TABLE

AMENDMENT TO INDIAN AIRCRAFT RULES

The Minister of Communications (Shri Kidwai): I beg to lay on the Table a copy of the Ministry of Communications notification No. 10-A/51-48, dated the 4th January 1951, making certain further amendment to the Indian Aircraft Rules, 1920, in accordance with sub-section (3) of section 5 of the Indian Aircraft Act, 1934. [Placed in Library. See No. P-137/51].

TAXATION ON INCOME (INVESTIGATION COMMISSION) AMENDMENT BILL

The Minister of Finance (Shri C. D. Deshmukh): I beg to move for leave to introduce a Bill further to amend the Taxation on Income (Investigation Commission) Act, 1947.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Taxation on Income (Investigation Commission) Act, 1947."

The motion was adopted.

Shri C. D. Deshmukh: I introduce the Bill.

PREVENTIVE DETENTION (AMENDMENT) BILL.—Contd.

Mr. Speaker: The House will proceed with the further consideration of the motion:

"That the Bill further to amend the Preventive Detention Act, 1950, be taken into consideration."

Prof. K. T. Shah had moved an amendment and he has to continue his speech.

Prof. K. T. Shah (Bihar): When the House adjourned last time, I was developing the argument that there are considerable forces at work in this country, which lead, inevitably, in a perfectly normal manner, to secret activities that may prove undesirable to those in authority, and who may therefore seek to repress them.

I refer, Sir, to the shortage, the growing shortage, of food and housing and clothing, the elementary needs of man for the very primary purpose of keeping body and soul together. Sir, there are ways for meeting these, there are devices for getting these wants supplied, which, however, under the social system as it operates, cannot always function in public. The people, therefore, are being driven into degree of darkness or underground activity, which embarrass, I dare say, those who are in authority. Sir, the evil of profiteering and black-marketing is well known to all; and I need hardly emphasise the fact that, even in order to meet the activities of such unsocial elements, a certain amount of agitation takes place that may often prove unwelcome and appear subversive to those in authority. Sir, we have included, I realise, in these provisions, the possibility of obstruction to essential supplies. The heavy hand of law will presumably be laid upon those who may be believed to be contemplating any acts that might obstruct the provision of essential supplies, like food if this law is passed. Sir, I need hardly say that I have not the slightest objection to impose the most severe penalties including death sentence on those who may be acting in such an unsocial manner, and perpetrating crimes against humanity, without any consideration at all, without any indulgence whatsoever.

But will the law really apply to these truly anti-social elements? Very often these are liable to be confused with people who may be carrying on an ideological campaign, and who may not be quite in favour with the powers that may be. That is why, I say the danger is very

considerable, especially in the present situation of the country, of a confusion arising between normal political activities, and those which are deemed to be guilty of unpermissible, unsocial, dangerous or secret activities. The black-marketeer and profiteer may escape by adding to the corruption already prevailing; while the legitimate political agitator may be penalised. That, Sir, is not a desirable denouement of the proposal now before Parliament.

[MR. DEPUTY-SPEAKER in the Chair]

Sir, I should like, in this connection, to remind the House that in our Constitution, there are provisions, solemn provisions, giving certain assurances to the people, which are not only not being fulfilled, but the reverse is actually taking place. If you will bear with me for a moment, Sir, I will try to read out some of the provisions of our Constitution, not because they can be unknown to anybody in this House and least of all to you, Sir, but because of the danger of overlooking some of the root causes due to which such secret activities prevail, and because of which a growing section of the population might be attracted to such ideology or activities. For instance, Sir, in the chapter on Directive Principles of State Policy, we have got the provision regarding the supply of sufficient nutritive food. And article 41 says:

"The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."

And then there is article 42 saying:

"The State shall make provision for securing just and humane conditions of work and for maternity relief."

And then there is the provision for giving living wages to workers which I need hardly read out. Further there is article 47 which states:

"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to her."

Sir, the standard of nutrition in this country is by no means particularly high even in normal times. And we have in recent times, not only been condemned to a very limited ration of food supply and essential grains, but in still more recent times, even that ration has been further reduced at one stroke, by 25 per cent. Sir, it has been calculated by eminent authorities on nutrition, that, generally speaking, a minimum of 1,200 calories would be necessary for maintaining working efficiency, though the standard as prescribed by the then League of Nations, after very careful investigation is as much as 3,600 calories per day per adult individual. I am not sure, Sir, that even one pound of cereals allotted as ration for each individual per day would provide sufficient nutrition for keeping human beings in working efficiency, and enabling them to resist the ravages, the insidious undermining of some of the common diseases to which this country along with many others is a prey. Sir, here however, we had, until recently, a ration of three-fourth of a pound to which at least a fourth of the population—probably more—was condemned or restricted. Not only was that not sufficient; but as if that was not enough, they have further reduced the ration by 25 per cent. which means that one pound of ration is now equivalent to 9 oz. a little more than half a pound. Whether that is enough to...

Sardar B. S. Man (Punjab): Sir, on a point of information, may I ask whether while discussing such a Bill as we have before us, we can cover the entire field of the Government's activity, what they are doing, why they are doing it, and why they are not doing something else? Can we go into the question of rationing, the transport system, into foreign affairs, into the general level of nutrition and the standard of health and so on?

Mr. Deputy-Speaker: There is no doubt that the various points which come under a general discussion of the Finance Bill ought not find a place in the discussion of a Bill like this. I thought the hon. Member was only referring in a casual manner as to how the low level of nutrition was likely to cause discontent and so on. But there must be a limit to this also.

Prof. K. T. Shah: I was only developing this argument to show the reasons why.....

Mr. Deputy-Speaker: That is true. There may be a number of such reasons.

The Minister of Home Affairs (Shri Rajagopalachari): Sir, since the point has been raised from another part of the House, I think I may take this opportunity to inform the House through you, Sir, that the main structure of the Bill has already been there before the country, and we are only dealing with certain liberalising amendments now. I would appeal to hon. Members, whether they agree with the Government or not, to restrict their remarks and save time so that we may be able to devote more time to such specific matters as arise later on, instead of taking up the greater part of the time in general discussions and putting the House in a mood of impatience when really the important aspects of the matter come up before the House. I therefore make this appeal. I do not say so on any point of order that the hon. Member might have infringed, but I would appeal to him as well as to others like him to save time as far as in their discretion they can.

Prof. K. T. Shah: I will not dwell further in this except to say that this is one of the major causes which lead to the popularity of elements that you consider to be subversive; and consequently you are obliged to devise weapons which may further increase this kind of popular discontent.

Let me now go on to consider the nature of the proposals placed before the House, the aims which you wish to accomplish thereby, the specific provisions which you consider to be "liberalising" in the legislation that already exists, and lastly, the actual necessity of eliciting public opinion on this matter.

I need hardly dwell at greater length on the question of the nature of this measure, which is generally realised to be a restrictive measure as regards civil liberties without any disagreement from any quarter. That it is necessary to have recourse to such legislation is a matter of viewing the circumstances or interpreting the facts of our present existence, on which there may be difference of opinion. But on the facts as such there ought not to be a very wide margin of difference. So far as current information goes, Government must have much better information than the public on this score. *Ex-hypothesi* these are secret activities. I say that so far as general information goes the volume of such secret underground activities by people who are devoted to violence as a creed, and the upsetting of the social order that now prevails, seems to be very limited. And

for that to provide a measure which endangers public liberty in general, and imperils the sacred provisions of our Constitution, seems to me to be disproportionate, to use a mild term.

You have in the Constitution, no doubt, authority for introducing legislation of this character and passing it. But, as I have already pointed out, it is a legislation by which you would be depriving people of their liberty for sometime, and at your convenience. If you give them the grounds on which such detention has taken place, you will nevertheless be the last judge, so to say, at any rate at the time of the arrest, for satisfying yourself that such action was necessary. That is not, in my view, a sufficient safeguard of civil liberties in the land.

The only "liberalising" provision, which I can see has been introduced here, is the sort of mandatory power given to the Advisory Board or Tribunal to give their opinion whether or not the grounds alleged are satisfactory. If they are satisfactory the detention will continue: if they are not, it would be incumbent upon the authorities to set at liberty the person so arrested and detained. I want to know whether the Board of the character proposed here will have any really judicial character or authority. I have tried to insert an amendment by which, if accepted, this particular reform or change might be made, namely that the Board may have a fully judicial character, so that the grounds given may be considered dispassionately from the standpoint of a judicial authority. Here is an executive action, an action which has been put forward on grounds of national security, or maintenance of law and order, or even of national defence, which, in normal times at any rate, ought in fairness be decided upon by those with a judicial mentality. Here is not a properly constituted court, as far as I can see, but an advisory board, whose opinion in some cases may be mandatory, and whose opinion may therefore help people who are unjustly or inadequately suspected to be set at liberty after a certain time. For some weeks nevertheless,—unless I am mistaken in my reading of the proposals,—the individual concerned would have to forego his liberty. That I consider is very objectionable in itself.

Without going further into the other provisions, I ask why should you not ascertain public opinion whether or not such a kind of legislation is necessary. What opinion has so far been expressed, even with the limited facilities that a progressive press has in

this country, seems to me to be overwhelmingly against the provisions of such a measure as this. We had only the other day the spectacle of leading lawyers and important Congressmen themselves objecting in no restrained terms to the very principle of this legislation. I suggest that if you do not regard such specimens of public opinion as any evidence of the view that the public take of this measure, it is all the more important for you to organise public opinion in those quarters to whom you usually refer when measures of this character are circulated for opinion. There is nothing to lose if the opinion of the public is obtained. There is nothing to endanger public security in any way if you invite before the middle of March the opinion of the public. You will still have a fortnight to pass the legislation you want. And at that time, if the opinion is in your favour—there is perhaps every likelihood that there would be a majority of opinion in your favour, if you know how to approach the public on the matter—there would be general agreement for getting through the Bill; and even I would not be able to oppose it in the face of such public opinion.

But if you will not invite public opinion, if you do not like the very suggestion of asking the public to say what is necessary for its own safety, you leave yourself open to a grave suspicion whether you are supported in the country which you profess to protect and safeguard. It is therefore a fair suggestion, I take it, that this amendment should be accepted in the spirit in which it is made, namely that the public should be made protectors of their own liberty so to say and that Government should only be the agent of the public. We have no chance of ascertaining public opinion in the ordinary manner such as an election in a democratic country. The elections are rather far and one does not know whether they will be postponed still further. But in any case the need is paramount for enquiring from the public their opinion as regards the necessity, the advisability of a measure like this and its several provisions. If the opinion is in favour of the present proposal, then there will be no difficulty in getting the measure through. For my part, of course, I can assure you that no obstructive tactics of any kind will be taken and perhaps no amendment even may be suggested if the people accept the measure as circulated. So long as you refuse to do that, I repeat you leave the door wide open to the continuance of the feeling that Government is not really in sympathy with popular opinion and

popular feelings, or that popular feelings do not support them and they want to use their present power to get through legislation of this kind. I say, Sir, that that is neither desirable in the interests of Government themselves nor in the interests of the country, let alone the question of larger ideals that people may be holding on the subject. And I therefore commend my motion to the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon, by the 16th March 1951".

There are other motions. The next one stands in the name of Shri Kamath for referring the Bill to a Select Committee.

Shrimati Durgabai (Madras): Sir, the present motion is to invite public opinion on this Bill. Is not this motion under consideration now? I would like to oppose this motion moved by Prof. Shah.

Mr. Deputy-Speaker: First of all let all the motions for circulation and reference to Select Committee be made and then they will be dealt with by the House.

Shri Kamath (Madhya Pradesh): I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, the hon. Shri C. Rajagopalachari, the hon. Dr. B. R. Ambedkar, Dr. Bakshi Tek Chand, Shri Biswanath Das, Prof. K. T. Shah, Pandit Hirday Nath Kunzru, Shri Syamnandan Sahaya, Dr. Panjabrao Shamrao Deshmukh, Prof. N. G. Ranga, Shri R. K. Sidhva, Sardar Hukam Singh, Shri Mahavir Tyagi, Shri Arun Chandra Guha, Dr. M. Channa Reddy, Shri G. R. Ethirajulu Naidu, Shri Raj Bahadur, Pandit Mukut Bihari Lal Bhargava, Shri Naziruddin Ahmad, Shri R. Venkataraman, Shri Sarangadhar Das, Shri V. S. Sarwate, Dr. R. U. Singh, Shri Frank Anthony, and the Mover, with instructions to report on or before the 1st March, 1951."

Shri Venkataraman (Madras): I want to know whether the hon. Member has taken the consent of all Members whose names are included in the motion. As far as I am concerned, he has not taken my consent.

Shri Kamath: May I submit that those who are not willing to serve may decline to do so?

Mr. Deputy-Speaker: Normally the consent of the hon. Members must be taken. Evidently the hon. Member presumes that all these Members will be prepared to serve on the Committee. Perhaps he was not aware of the rules. I hope Members will follow the rules hereafter. (*Interruption.*) They may not be in favour of this Committee at all. (*Shri Kamath:* That is a different matter). Therefore, normally the consent of the Members must be taken before hand. Otherwise the whole motion will be ruled out.

Shri Kamath: The measure, Sir, before the House stems constitutionally from article 22 of the Constitution and objectively from the conditions obtaining in the country today. The constitutional source or genesis of this measure is that very curious article in the Constitution—an almost unique article in the Constitution—the provision which confers the fundamental right on the individual, the fundamental right of being detained without trial. Last year, Sir, in this very month the then Home Minister brought forward the original Bill which it is now sought to amend. (*Shri Tyagi:* For the better). I hope so. The then Home Minister, at the time he moved the Bill for the consideration of the House observed as follows:

"The legislative output of the Ministry to which I have the honour to belong has not been large. That, I hope, would be regarded as sufficient proof of my intention not to trouble the House or to trouble the House only when no other course is available to me. In this particular instance also I plead the same urgent necessity. The hon. Members are aware that the old Constitution in certain respects died on the 26th January midnight when the new Constitution was born and the order of the President in this respect was signed at Ten O'Clock on the next day. So there was an interregnum which the lawyers cannot excuse and therefore to cover up this lacuna, it has become a necessity. Besides, certain judicial pronouncements or decisions which have been made during the last couple of weeks, and certain litigation which is pending before the Courts have created a situation in which I feel, having regard to the conditions prevailing today, that

unless this House takes immediate action, a grave peril to the security of the State is involved. That, therefore, is my justification for approaching this House with this piece of legislation and I thank you all and I thank you, Sir, for having accommodated me in this regard."

Then he went on to say:

"I have now given sufficient justification of the urgency and necessity of this measure and have also shown conclusively how in framing its provisions we have safeguarded the liberty of the individual against the arbitrary acts of the executive."

Then he said that it was more or less an emergency legislation, and the House will remember how it was rushed in this very House. In one day we completed all the stages of the Bill. At the end of the day all the amendments were considered, rejected or passed and at the close of the day the Bill was placed on the statute-book. But when the debate was wound up, Sardar Patel promised at that time to bring forward at a later stage, on a later occasion, a well-considered measure before the House, dealing with preventive detention, and this promise, Sir, was repeated on the 9th August, 1950, when the first amendment of the Act was moved and passed. The first amending Bill to the original Bill was considered and passed by this House. There again on that occasion, that is on the 9th August, Sardar Patel said:

"As I said the other day, we will bring forward, at a later stage and at the proper time, after full consideration, a well-considered measure. Therefore I hope there will be no time wasted in passing this short measure."

Now, Sir, hopes were held out and promises were made in this House. In a matter like this involving the personal liberty and the fundamental rights of millions of citizens it may be, as the hon. Minister said, that only a few people are inclined to exercise or indulge in criminal liberty while the many want to have their civil liberties safeguarded. But when a law of this nature is passed by this House, no one can be sure who will be exempt or immune from the reach or the arm of this law. Therefore, it behoves this House that

it considers fully and very carefully the re-enactment of this law for a period of one more year. I was rather surprised—I would not say alarmed—by the statement that the hon. Shri Rajagopalachari made the other day in this House when he promised not to make any commitments for the future. He said:

"Let me not be quoted when next time a Member in charge of this work moves any Bill for a further extension if he finds it necessary, and let it not be said that I promised that it should end on 1st of April 1952, or anything like that. I do submit to the House that it is not an easy thing and this law may have to be renewed again when the period we now fix comes to a close."

The surprising part comes now. What in his opinion were the main reasons for the enactment of this amending Bill were as follows:

"Let it be clearly understood that I make no commitments on behalf of the Government because I do not see so much efficiency in our own Government..."

I would appeal to the House to mark the words following the word "because":

"because I do not see so much efficiency in our own Government and so much intelligence among our people from which we can hope that we will overcome this difficulty within a short time."

So, in the very profound judgment of the Home Minister, the two main reasons for his not being definite about this law being further and further extended are: firstly, Government's inefficiency—coming from a Minister, it is an alarming statement—and secondly, lack of intelligence among our people.

Shri Sidhva (Madhya Pradesh): The first is a fact.

Shri Kamath: The second is an inference. I do not know whether my hon. friend Mr. Sidhva agrees with me there. At least as regards the first one, he has agreed; as regards intelligence, I do not know how many will agree.

Shri Rajagopalachari: Before the hon. Member gets more and more alarmed, I should like him to make a distinction between "I do not see so much efficiency" and "I see inefficiency" and similarly between "I do

not see so much intelligence" and "I see want of intelligence". If this distinction is kept in mind, I think his alarm may be allayed.

Shri Kamath: I know the Home Minister is famous in our country—and perhaps all over the world—for his subtlety in argument and I certainly would give the palm so far as his subtle argument is concerned, but I hope he will give me the credit of knowing English—not as well as he does, but fairly well.

Pandit Thakur Das Bhargava (Punjab): But the question is one of intelligence.

Shri Rajagopalachari: It is not a question of language; it is a question of substance.

Shri Kamath: But if the sentence is read as it appears in the proceedings, the word "so" goes with "that"—"I do not see so much efficiency nor so much intelligence that we can overcome this difficulty"—so that "so" must be linked up with "that". I do not know whether this will appeal to the hon. Minister. To me personally it appears that the trend of his argument was this: that there is not so much efficiency among "ourselves"—i.e. among the Ministers—or so much of intelligence among our people.

The Minister of State for Transport and Railways (Shri Santhanam): Government includes Parliament also, Sir.

Shri Kamath: He has definitely mentioned the word "Government" and I suppose Government includes Ministers, Ministers of State and Deputy Ministers.

Shri Santhanam: And Parliament.

Shri Kamath: Parliament is not Government—I am sorry for the knowledge of the Minister of State.

Shrimati Durgabai: Are intelligence and inefficiency the subject matters of this Bill, Sir?

Shri Kamath: I will come to that. I will satisfy the hon. Member's intelligence.

Mr. Deputy-Speaker: I am afraid all intelligence will have to stop at one o'clock. The hon. Member may resume after Lunch.

The House then adjourned for Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

PAPERS LAID ON THE TABLE.

REPORT of INCOME-TAX INVESTIGATION COMMISSION

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of the Report on the Working of the Income-tax Investigation Commission during 1950. [Placed in Library. See No. IV O. 9(19)].

Mr. Deputy-Speaker: Have any arrangements been made to circulate the pamphlet?

Shri C. D. Deshmukh: It will be made, Sir.

PREVENTIVE DETENTION

(AMENDMENT) BILL—contd.

Mr. Deputy-Speaker: We will proceed with the discussion on the Bill further to amend the Preventive Detention, Act, 1950.

Shri Kamath: When the House rose for lunch I was making out this point that whereas Sardar Vallabhbhai Patel...

Mr. Deputy-Speaker: May I submit for the consideration of hon. Members that the scope of discussion on this Bill may be confined, in my opinion, to the need for extension and the necessity of amendments, because the whole matter was discussed last year. It is sought by this Bill to extend the period of operation of the Act, and advantage is taken of this opportunity to bring some amendments. Therefore, it is better to limit discussion on the need for extension, No. 1, on the amendments that have been tabled, No. 2, and incidental matters. We need not go over the same ground as to whether a particular party should be banned, or not.

Pandit Kunzru (Uttar Pradesh): May I understand, Mr. Deputy-Speaker, the exact meaning of what you have said? Do you object to a Member calling in question the propriety of the Bill that the Home Minister has brought forward on the ground that its provisions are inconsistent with certain fundamental principles?

Mr. Deputy-Speaker: I do not say that. It is true that this Bill can be considered to be a new Bill so far as the coming year is concerned. Some of the arguments which are sought to be made now are a repetition of the arguments advanced last year on the floor of this House when the original Bill was brought. For the purpose of enabling all Members to have an opportunity of speaking, I am only saying that considering the relative importance of the aspects of the Bill, the more important one is that of extension of the period than on the need for the Bill altogether.

Pandit Kunzru: I take it that we shall be within our right in objecting to it on principle. We may have opposed it on principle last year and may have been defeated. But that should not preclude us from opposing the Bill, should we desire to do so.

Mr. Deputy-Speaker: I am not giving this as a decision or ruling. What I said was that hon. Members need not repeat what has been said again and again on the floor of the House. Of course, they have a right to oppose the Bill wholly.

Pandit Kunzru: What I mean to say is that a Member should be entitled to try again to convert the House to his own view.

Mr. Deputy-Speaker: There is absolutely no objection to do that.

Shri Kamath: I am deeply beholden to you for the excellent guidance that you have just given. But I may at the same time remind you and the House of the fact that on the 25th of February 1950, when the Bill was moved at 11-15 and concluded at 5-55 there was hardly any time for this House.....

Shri Sidhva (Madhya Pradesh): It went up to 7 O'Clock.

Shri Kamath: I am sorry my hon. friend Mr. Sidhva is suffering from loss of memory on this point. The discussion was closed at 5-55. Any way, whether it was six or seven, it does not matter very much. But the point is that it was concluded in one day,—a measure of this type. The House started discussion on the motion for consideration at 11-15, because the first Business of that day was the Railway Minister's reply to the Railway Budget: so that, there was not even a full day for a discussion of that measure. Therefore, in that context, my hon. friend Pandit Kunzru's argument does seem to be

important, and I believe, Sir, that every Member of this House when this measure has come before the House in another form must be at liberty and must be given full opportunity to discuss the entire scope and the principles underlying this Bill.

When the House rose for lunch, Sir, I was saying that whereas Sardar Vallabhbhai Patel held out the hope that this Bill may not last longer than the 31st of March 1951, his successor has aroused the fear that the Bill may, unless some conditions are satisfied, be placed permanently on the Statute Book.

Some Hon. Members: Permanently?

Shri Kamath: Yes, unless certain conditions are satisfied. And the conditions are, firstly that the efficiency of the Government must increase and secondly people's intelligence quotient must increase. If the efficiency of the Government and the intelligence of the people continue at a slow pace, which unfortunately is the state of affairs today, according to him, then he for one is not sure whether he or his successor may not come before the House again next year, about the same time in the spring season to move for a further extension of this measure.

The observation that he made, I believe, Sir, was made in a mood of self-introspection, because about five minutes before he made this observation as regards the efficiency, or rather the inefficiency of the Government and the lack of intelligence in the people, he said:

"We have taken over from the British Government. It was an efficient Government. We have taken it over in full confidence that we will be able to rule this country."

But later on comes the plaintive cry that "we", which means the Government and not the Parliament are not as efficient as it might have been—not absolutely inefficient—but as efficient as he wants it to be. So, with regard to his first observation, I can only hope and pray that their efficiency may increase. As regards the intelligence of the people, or the lack of intelligence, I can only send to the people my fraternal greetings and sympathy in their predicament.

Now, Sir, the present measure before the House intends to reconcile the fundamental liberty, the fundamental right of the individual to

personal liberty, with the fundamental right of the State to be secure. In other words, it tries to reconcile the right of the individual to freedom from fear to the right of the state to freedom from danger, and this is an attempt to reconcile the liberty of the individual with the security of the State. I have already said that in no democratic constitution of the modern world, so far as I am aware, will you come across a provision of this nature, that is to say, the fundamental right of the citizen to be detained without trial. It is only in our Constitution that we have had to incorporate this provision. I would have wished that this provision were incorporated elsewhere in the Constitution but not in Fundamental Rights, because it seems to make a mockery of fundamental rights. In any case I am sure that so far as the peace time laws of a democratic country are concerned you will never find a provision of this nature. Our Constitution in the very Preamble says that this India that is Bharat will be a Sovereign Democratic Republic. And I therefore wonder why this right to be detained without trial has been incorporated in the Constitution of a Sovereign Democratic Republic. Anyhow that provision is there in the Constitution and this measure springs or emanates from that article in the Constitution, that is article 22.

The point of view raised about the scope of discussion on the present occasion is an important one, because, apart from an argument advanced by my hon. friend Pandit Kunzru, I may straightaway say that the discussion of the original Bill was hustled in such a manner in last February that a number of amendments which I had suggested to the Bill on that occasion were summarily rejected without much consideration. But I am glad to find today that the Home Minister has in his wisdom thought it fit to incorporate those very amendments—some of them—which I had moved on the last occasion.

An Hon. Member: He has stolen them from you!

Shri Venkataraman: Therefore you must support the Government now.

Shrimati Durgabai: So all your points have been met.

Shri Kamath: I would not like to go so far. Shrimati Durgabai says that all my points have been met.

[Shri Kamath]

If she thinks so, then I do not want to pick a quarrel with her now.

Therefore, it would be obvious to this House that if only more time had been allowed on the last occasion, that is to say more than one day or rather three or four hours, I am sure that there would have been no need for an amending Bill today.

Shri Bharati (Madras): I see!

Shri Kamath: My friend Mr. Bharati sees. I am glad he sees. And when he sees he sees very well.

Shri Tyagi (Uttar Pradesh): Sees late.

Shri Kamath: Better late than never.

Now, Sir, coming to the provisions of the Bill, the Home Minister the other day told us that the Bill is designed to curb the activities of a certain group or a certain section of the population who are bent on achieving their ends through secrecy, trickery and violence. He went on to amplify his argument by saying in short that the Bill is designed to curb the activities of the Communists in this country. I for one felt from the trend of his argument that what he wanted was, in the interests of us all, in the interests of the State, in the interests of the people—who are not so very intelligent, according to him—to suppress the activities of certain people who wanted to undermine the State and the subversive activities of this particular section of the population. I in all humility would ask my hon. friend the Home Minister whether subversive activities can be brought in only within that compass or whether there are other kinds of subversive activities also which, if he really wants that the State should flourish, that India should prosper, that India should get out of these doldrums or this morass, it is not equally necessary to curb and whether it is not equally necessary to curb the activities of some other section of the population.

The All India Congress Committee—and I need not labour the point that the large majority here do pay some attention to what the All India Congress Committee says—in the recent Republic Day Number of its Economic Review has suggested that “black-marketing and corruption be declared subversive acts so that the long hands of Government may fall effectively upon this gentry of black-marketeers.” It has called “em-

gentry”, and I do not know whether all will agree, but this is perhaps meant in a different sense, and it goes on to say:

“The two main curses which demoralise our public life today are black-marketing and corruption. They always go hand in hand and are very happy in each other’s company. Their demoralising effect on the community is unimaginable”.

And the Economic Review has suggested that these should also be declared subversive acts which aim at undermining the State equally with the reprehensible activities of the Communists in India. I would ask the Home Minister whether he is prepared to consider the activities of the black-marketeers and other corrupt folk on a par with the activities of those who indulge in trickery, secrecy and violence and whether the Bill before us would reach out its tentacles even in those directions.

I hope he does agree with this view and will give an assurance—if he cannot incorporate this in the Bill before the House,—that this will be implemented by the whole hierarchy of officers under him, namely that this category of criminals and anti-social workers are brought within the purview of the measure.

Shri Tyagi: It is so obvious. It does apply.

Shri Kamath: I am coming to that point.

Now, Sir, I have got some interesting figures, very revealing figures supplied to me by the Research and Reference Section of the Parliament Secretariat, as regards the number of persons detained under this Act during the last year and the categories to which they belong. The caption of the statement is: “Number of persons arrested and detained under the Preventive Detention Act.” This covers the period from 25th February 1950 to 31st October 1950 and the various categories referred to in this statement are: the Communist Party, the Socialist Party, the Hindu Mahasabha, R.S.S. and a nondescript category called “others”. These are the four main categories and the last one is “Miscellaneous”. (Interruption) Akalies are not mentioned; they might come under others. During that period, that is from end of February last year up to the end of October last year, there is no category of “black-marketeer”. I do not know whether

they are within the category of "others", but there is no such category. It might be that instructions were issued only after that, but reports have been reaching us through the Press that blackmarketeers and anti-social workers of that type who arrested in a certain State were subsequently released from detention on the mere giving of an undertaking that they will not indulge in those practices in future. In one case the papers had reported that a person who had been arrested had been hand-cuffed and paraded also in the streets but he was released a few days later, after he had given an undertaking not to indulge in those activities in future. My point therefore is that in future at least this corruption and black-marketing would be regarded and dealt with as definitely subversive acts under this Act.

Shri Tyagi: May I read to my hon. friend from the Statement of Objects and Reasons:

"The Act also enables Government to detain persons for reasons connected with the maintenance of essential supplies and services. With the deterioration in the food situation, the need for maintaining such supplies and services has become more pressing than ever."

Shri Kamath: I am indebted to my hon. friend, Mr. Tyagi for reminding me of this. I never said that the Act never provides for that, but the quarrel is with regard to implementation and no Act will be respected by the people unless and until it is implemented in letter and in spirit, and a Government which does not see to it that its acts are implemented by its officers earns the contempt of the people. (*interruption*).

[**MR. SPEAKER** in the Chair].

During this period of 8 months last year, from the end of February to end of October 1950, as many as 5,450 Communists were arrested and detained in Hyderabad. There were special circumstances for these.

Shri M. A. Ayyangar (Madras): I would like to state—I have reliable information—that about 100 merchants were detained for having black-marketed in grain and gur.

Prof. Ranga (Madras): It was mostly in Bihar and Uttar Pradesh. The other Provinces are all sleeping.

Shri M. A. Ayyangar: Including Bihar.

Shri Kamath: I never said that action had not been taken but I wanted to draw the attention of Government to certain cases which had been unjustly or unfairly dealt with, not by way of extreme penalty, but by too much of leniency, and that is why I have said that the Act was not implemented in letter and spirit.

Shrimati Durgabai: You have no quarrel with the Act, but only with the nature of the punishment.

Mr. Speaker: Hon. Members need not interfere when the hon. Member is making his point. Let us be more patient.

Shri Kamath: Mrs. Durgabai is too impatient and jumps to conclusions. All I wanted to say was that whereas Government wants to have an all-out effort against the Communist Party—and it is borne out by the fact of the Home Minister's specific mention of 'Communists' in his speech, and I suppose in present circumstances that is justified—at the same time I would impress upon the Government the need at the present time, if we want to feed the people, if we want to clothe them and house them, is to suppress all kinds of corruption and black-marketing and that note was absent in the Home Minister's speech, and there was the disquieting note of action to be taken against the Communist Party of India.

Shri Rajagopalachari: The gap will be filled when an opportunity is given.

Shri Kamath: I am well aware that the Home Minister is always prepared to meet the just demands of a case. I will leave that in his very safe hands. This statement which I have in my hand about the number of persons detained last year, after the passing of this measure is a very authentic statement supplied by the Parliament Secretariat. Over 5,000 people were detained in Hyderabad alone belonging to the Communist Party, Socialist Party 60 and others 246. The next largest number comes from Madras, 540 Communist Party, Socialist Party 3. The next one is Bombay, the third largest, 441 Communist Party, 37 Socialist Party, 16 Hindu Mahasabha, 4 R.S.S. and others 631. The point in this particular case is this, that whereas the number of Communists detained in Bombay was 441, the number of other ranks as I may call them is 631.

It would be helpful for this House if the Home Minister could, in the course of the debate, throw some

[Shri Kamath]

light on these rather disconcerting figures as regards the action taken under the Act against certain non-descript people.

Shrimati Renuka Ray (West Bengal): The Act was extended much later; the others may be under...

Mr. Speaker: I must again invite the attention of hon. Members that it is not a good practice for a good debate to go on controverting every little statement which an hon. Member may make. Let us hear all that he has to say. He is entitled to his views. He may make a mis-statement of facts. The hon. Home Minister is there to correct. It is no use interfering every now and then. Otherwise, the continuity of the debate is lost.

3 P.M.

Shri Kamath: I am very sorry, Sir, that my hon. friend Mrs. Ray has not paid adequate attention to the subject in hand. The statement before me definitely says, "Number of persons arrested and detained under the Preventive Detention Act, 1950." I do not know what more light she wants upon this particular aspect of the matter. The Act was applied simultaneously all over India after it was passed on the 25th of February, 1950.

In West Bengal too, the number of Communists is 761, R.C.P.I. that is Revolutionary Communist Party of India 105, Forward Bloc 2, and Others 605, Hindu Mahasabha nil, R.S.S. nil, Socialists 22. I do not want to tire the House by reading all the figures for each province. I do not know why they have lumped R.C.P.I. and the Forward Bloc under the Communist party; but that is not the fault of the Government, but it is the fault of the officer who prepared the Statement. The total has not been drawn up; it is about 7,000 or 8,000 communists.

Anyway, the point is this. While agreeing with the proposition put forward by the hon. Home Minister that all the activities of those indulging in trickery and violence in secrecy, though I agree with my hon. friend Prof. Shah that secrecy by itself is not a crime—a good part of the life of each of us is secret and is hidden from the view of other people and therefore I should not brand anybody who indulges in secrecy as a criminal or a suspect *per se*—I would like to impress this fact on the hon. Home Minister that it is very well to take action against those

who indulge in trickery and violence, but the powers vested or going to be vested in the Executive by the extension of this measure should not be so abused as to embrace or include within the scope of their action those who do not indulge in such trickery or secrecy or violence. The figures appearing in the Statement incline me to the apprehension that the Executive officers who are not as wise or who are not as prudent, or as sagacious as the hon. Home Minister, might; unless definite safeguards are provided against their abuse of the power vested in them, mis-use the powers which are sought to be conferred on them by a measure of this nature. It is not easy for this House to accept that the number of "Others" in particular States should far exceed the number detained under the Communist category. I would like to know from the hon. Home Minister what exactly these "Others" who belonged neither to the Communist party, nor to the Socialist party, nor to the R.C.P.I., nor to the Forward Bloc or the Hindu Mahasabha or the R.S.S., were suspected of, why they are detained, after how long a time they were released either under the orders of the High Court or Supreme Court or otherwise by the Government?

When this Preventive Detention Act came before the Supreme Court last year as a result of the *habeas corpus* petition filed by a Madras detenu, one of the Judges, I believe it was Justice Mahajan or Justice Fazl Ali, remarked that this Act was repugnant to the principles of democracy, particularly in peace time. I do not remember the exact words that he used; but he used words to this effect. One of the Judges went so far as to hold that this Act was in conflict with the fundamental right of free movement conferred by Part III of the Constitution. Therefore, it is first of all necessary to examine, after one year's functioning of that Act, whether an extension of that Act is warranted by the objective conditions as they stand today in the country.

The hon. Home Minister, in the Statement of Objects and Reasons has admitted that the activities of those engaging themselves in violence and secrecy have reduced in tempo today, but that they have not entirely ceased. It will be interesting to compare the figures of those detained during the last year, from the 25th February to the end of January and the actual number of detenus in our jails or

other confinement places today. That would throw light upon this very vital point whether an extension of this measure by one year is absolutely necessary, whether the ordinary machinery of law is not sufficient to deal effectively with those few people who today are detained, but who, if the Act lapsed today or tomorrow or by the end of March, will be free again.

One thing, again, we must remember. The elections are due at the end of this year and if all goes well, under the Grace of God, the elections will, as proposed, be held in December, January and February of 1951-52. This Amending Bill will extend the life of this Act by one year, that is, it will last up to the end of March 1952. It is not right for a sovereign democratic Government to give a handle to the maligners and carping critics to say that this Act is being re-enacted or extended so as to enable the Government to silence behind the bars all inconvenient opponents of the regime. I say this because, one of the cardinal features that we have to remember of this Act, even though it has been liberalised to a certain extent is that it confers upon the executive the absolute power to detain anybody for a period of three months. That period, nobody can reduce, once he is arrested and detained. By the time the grounds of his arrest and detention are communicated to him, and the materials are sent to the advisory board, four to six weeks will elapse and for the report of the advisory board, it will take another four to six weeks. That is to say, Government can arrest and detain anybody for a period of three months without anyone being any the wiser. And if the person is found innocent, if he is found not guilty or not dangerous enough by the advisory board, then he may be let off at the end of three months. But for three months if anybody can help him only God can, nobody in this world can help him so far as detention is concerned, unless he is able to escape from the detention. Otherwise he is there, locked up for three months, without anybody going to his rescue. That is to say, if there is any intention on the part of Government to lock up undesirables, to detain undesirables, they can easily arrest and detain somebody or anybody, say Mr. A, or Mr. X, early in November, and if at all he is found innocent it will be at the end of January or sometime later so that he will be away for three months. That is a fact which we have to bear in mind. I would, therefore, plead with all the earnestness at my command that if we are intent, if the Gov-

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ernment intend to ensure a fully free and fair election in this country, it is its bounden duty to see that even the provision with regard to the right conferred on the executive to detain a person for three months without giving any help, even that provision should be abrogated. And if that is not possible, it should be liberalised and some system or scheme should be devised so that the *detenu* if he is really innocent, might be able to come out within a week or fortnight. Otherwise, I am afraid the abuse of this power might result in the charge being levelled against the Government that they are hampering or coming in the way of a free and fair election in the country.

Then, Sir, there is this other point. It may be argued that once an assurance has been given in this House, that this power will not be used against merely political opponents, but only against those guilty of violence and trickery, the executive may be trusted to carry out and implement this assurance of the Government in all earnestness and in all sincerity. But if only you peruse the judgments of some of the High Courts during the last twelve months, in the cases of persons detained under this Act, it will not take an intelligent man long to find how often and how seriously the powers conferred by that Act were abused by the executive. In one case, Sir, I myself know that the *detenu*, soon after his arrest wanted to be supplied with the grounds for his arrest. That was postponed from week to week, until after two-and-a-half months or three months, he was merely told on a piece of paper that he was indulging in subversive activities. That was all. And when his case went to the High Court on a petition of *habeas corpus*, the judge held that it was far too vague and far too indefinite to constitute any valid reason for the arrest and detention of a citizen, and the judge went on to observe that unless the Government specified the activity, the particular activity for which the person was arrested and detained, it could not be held that the detention order was valid or proper. Therefore, I would request the hon. Minister to tell us also as to how many cases there are in which the High Court or the Supreme Court has ordered the release of the *detenues*, on the ground that they are improperly detained under invalid orders or improper orders, and further, how many *detenues* were detained under the category of article 22 of the Constitution where no reference to the advisory board was necessary. That, I suppose, was the large majority of the *detenus* who under the old Act, now being sought to be amended, were given

[Shri Kamath]

no help whatsoever, no legal help, no help under the Constitution or the law, to make any representation against the order. They were classed or grouped under a category which did not necessitate or did not require the Government to make any reference about them to the advisory board. That, to say the least, was a most undemocratic, and I may even say, almost a pernicious measure, which the Government during the last twelve months, thought it fit to implement, I mean that article under which a person detained remained in detention without any reference to the advisory board. I am glad that to-day that has been liberalised and all detenus, irrespective of the category, will have their cases sent before the advisory board. But Sir, still one category remains, that of persons detained for a period of three months or less, and as I have said, the Government must find out a method to reduce the period, and I appeal to the hon. Minister again to find some way of seeing to it that those cases also are examined early enough and the detenus given an opportunity of representing their cases to the Government and to the advisory board much earlier than the period of three months.

Sir, the argument was advanced the other day, not by the hon. Minister, but by some hon. Member here that now that we have our own government, there is no need for any further fight or struggle. While not subscribing for a moment to the practices indulged in by those who have espoused or adopted methods of trickery and violence, yet I make bold to submit that there is still scope for struggle and constant activity which will result in conflict with the present Government. Nobody will have the temerity to suggest that just because we have attained *Swaraj* we have simultaneously achieved *Swaraj*. So long as economic democracy or social democracy, which have been incorporated in the Constitution as among the Directives of State Policy, are still unrealised objectives, so long, I say, will there be need, imperative need or necessity for further action, for further conflict and further struggle. If in the course of such activity, or such work citizens who are not Communists by any means are rounded up, arrested and detained under the Act, I for one have no hesitation in saying that this Detention Act will go down in history as a Black Act, I mean if that is done.

The figures with me show that action has been taken not merely against the Communist Party but against hundreds of others, not scores, who might have—I do not guarantee—for the time being

come into conflict with the powers that be and have been arrested and detained. I would therefore impress upon the Government not to be complacent with the idea that because we have achieved political freedom, though at the price of partition, there is nothing now for the citizen to fight or struggle for. Because I for one hold that the battle of freedom is never done and each generation will have to reconquer or re achieve the fruits of democracy and freedom that past generations had by its own efforts achieved.

It is for us, therefore, to consider how far, firstly, this extension of the Detention Act is warranted by the circumstances. It is not enough for the Minister to say that conditions are such and such. Unless he gives facts and figures today as to how many detenus there are in various jails and camps and how many of them have been released since they were detained, it is difficult for this House to arrive at a sound decision on this matter.

I find from the tabular statement I have got that in Hyderabad out of 5,450 arrested, on the 31st October there were only 1,549. Four thousand and odd were released in Hyderabad itself. In Madras out of 540, 416 were still detained at the end of October. In Bombay out of 441, on 31st October there were only 67 remaining in detention. Just to deal with a handful of people whether these powers should be arrogated by the executive is a moot point.

In England, sometime last year, I believe, Mr. Atlee, the Prime Minister, was asked whether there was a proposal to ban the Communist Party or take such action against the party as would render it impotent. Mr. Atlee replied, so far as my memory goes, that the ordinary law was sufficient to deal with any antinational activities and that there was no proposal to ban the Communist Party. So far as I am aware, today in no democratic country is this power of preventive detention being exercised by the executive. Only in India, which has put this fundamental right on the Statute Book, we find the Detention Act in force. But there will be no warrant for the extension of this Act, if today the numbers are even less than are revealed in this statement as obtaining on the 31st October. In some cases they had come down by more than half, in some by one third and in some others by a quarter. I do not know if the Minister has got figures of detenus under various categories such as Communists, Socialists and Hindu Mahasabha, who have been detained. If he can supply us that, it will enable

the House to decide whether the extension of this measure is warranted by the facts before them.

The other point which, when the Deputy-Speaker was in the Chair, he raised was about the liberalisation of this measure. Extension was one point. The Deputy-Speaker said that the scope can conveniently be confined to the extension of the Act and the liberalisation of the measure. Coming to that, I do find that whereas there have been certain improvements, almost in conformity with the amendments which I suggested last year to that Bill, there are still certain provisions which might be further taken into consideration by Government and suitably modified. When section 14 of that Act was before the House I had moved several amendments to it. Today almost all the objections I had raised are upheld here. And that brings me to this point that unless this measure is considered fully and with great deliberation there will be need for another amending Bill, perhaps in the next July Session. It is with that object in view that I have moved my motion for reference of this Bill to Select Committee. The atmosphere in the Select Committee is more conducive and congenial to the examination of amendments, alterations or modifications of any legislation. (Interruption) My friend Prof. Ranga is inclined to laugh. (Prof. Ranga; No.) I am sure that he has contributed in a greater measure in the Committee atmosphere than he has contributed in this House. There are several points which I have raised in the amendments I have suggested I will move them at the appropriate time. All the various amendments as also various aspects of this amending Bill, I humbly suggest, could be considered with greater and greater profit, not only to the House and to the people but even to the Government, in the atmosphere of a Select Committee rather than in the atmosphere of this House.

The Select Committee will report after due deliberation. That report will come before the House and the House will have another chance of deliberating upon this very important measure which is almost unique, as I said, in the democratic constitutions of the world. And if we have accepted motions for reference to Select Committee on other occasions, on other laws, on other pieces of legislation, I see no reason why this amending Bill also, dealing with such a vital matter as it does, should not be referred to a Select Committee for proper scrutiny and deliberation.

I move, Sir, my amendment and commend it to the House.

Mr. Speaker: Motion moved:

"That the Bill be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, the hon. Shri C. Rajagopalachari, the hon. Dr. B. R. Ambedkar, Dr. Bakshi Tek Chand, Shri Biswanath Das, Prof. K. T. Shah, Pandit Hriday Nath Kunzru, Shri Syamnanandan Sahaya, Dr. Panjabrao Sharmarao Deshmukh, Prof. N. G. Ranga, Shri R. K. Sidhva, Sardar Hukum Singh, Shri Mahavir Tyagi, Shri Arun Chandra Guha, Dr. M. Channa Reddy, Shri G. R. Ethirajulu Naidu, Shri Raj Bahadur, Pandit Mukut Bihari Lal Bhargava, Shri Naziruddin Ahmad, Shri Sarangadhar Das, Shri V. S. Sarwate, Dr. R. U. Singh, Shri Frank Anthony, and the Mover, with instructions to report on or before the 1st March, 1951."

I would like to clarify the ground here. Similar motions for reference to Select Committee are given by Sardar Hukum Singh, Mr. Anthony and Prof. Shah. I take it there will be a little change of names here and there. But then these motions need not be placed separately. In case there is agreement to refer the Bill to the Select Committee some names may be included and others excluded.

Prof. S. L. Saksena (Uttar Pradesh): Sir, I thank you very much for having allowed me this chance to support my friend, Mr. Kamath. I have very patiently heard yesterday the impassioned appeal of the hon. Home Minister for a quick passage of this Bill. He was, in fact, envious of Dr. Ambedkar who got two Bills through within half a day. But I would request him to pardon us if we do not allow him to do so and I would like to tell him how this Act has been used during the last one year and whether it has helped to stop the spread of communism and secret and violent political activities in this country. As persons who are directly in contact with the masses, with the labourers, with the *kisans*, and the people at large, we think it our duty to place before the hon. Minister our own experience in this matter.

I may at the very outset say that I was one of those who opposed article 21 of the Constitution when it was being considered in the Constituent Assembly. I was for "due process of law" and wanted that we should have all the protection that that phrase gives with regard to the fundamental rights. But we were defeated and we have now got articles 21 and 22 of the Constitution which I regard to be a dark

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spot on our Constitution. It is on account of those articles that detention without trial is possible under our free Constitution. But I think that even that permission to detain was given only for an emergency. It is a constitutional question which I may lay before the House, though I would not press it because it is rather a matter for the Supreme Court to decide. Chapter XVIII of the Constitution definitely lays down when a state of emergency could be proclaimed. Well, in a state of emergency the liberty of a citizen may be taken away. But I feel that the use of this Act at any other time is not proper. It should not be allowed except when a state of emergency is declared by the President. I therefore think that this constitutional question should also be thought over, that is whether the use of article 22 in peace time is permissible under the Constitution. I think that only when an emergency is declared under Chapter XVIII can this Act be used. Sir, even if the Constitution gave the power, I think Parliament should try to extend the liberties of the people. The Constitution is intended to provide for all emergencies but we as a free Parliament should try to extend the liberties to all the people. Therefore, even if article 22 clothes Government with power to use this Act in peace time, still I think Parliament should limit the use of this Act only in emergencies, that is when a state of emergency has arisen due to war etc. In other countries where this power has been taken, it has only been used in emergencies. Today, we have acquired an international status. In the counsels of the world we are respected, and we are trying to live up to a high philosophy, the philosophy of the Father of our Nation. If that is so, then it is only proper that in our law also we should try to live abreast of those free countries of the world. We know very well that in England this power of detention was used only in the most serious crisis in the history of England, that is during the last war, and even there the highest number of detenus in 1941 was only about 1400 and that figure came down to 200 in 1944. In the U.S.A. *habeas corpus* can be suspended only by Congress; an emergency declared by president will not bring it about. Even when the legislature itself suspends *habeas corpus*, the facts justifying the suspension will still be subject to judicial review. So, in America too it is very difficult to suspend *habeas corpus* or personal liberty. So, what I want is that this Parliament should limit the power of

detention only to the time when the President has declared a state of emergency either on account of war or due to a state of insurrection or some such grave calamity during which the President thinks that article 22 should be invoked. Otherwise this Act should not be used. This is the one thing which I should like to impress upon the hon. Home Minister.

In England the use of this Act has been accompanied by many provisions which enable a very close examination of each individual case which is not possible under our Act. In fact here you are given the right to arrest anybody you like. In England the Home Secretary personally looks into each and every case and without his personal intervention nobody can be detained. Then there are other important provisions in their law itself which guarantee that there shall not be detention of any innocent person. I may read out from the replies given by the Home Secretary in the British parliament on certain occasions:

(i) "I would give (the Advisory Committee) all the information that we have at the Home Office or the police might have about these cases."—Home Secretary (July 26, 1939). "The Advisory Committee have before them all the evidence which is in the possession of the Secretary of State."—Home Secretary (October 31, 1939). "It is the invariable practice of the Advisory Committee to put before these persons, as explicitly as they can, all the facts which are known against them." "Detailed evidence upon which he is being detained is put to him at the actual hearing of the Committee."—Under Secretary (July 23, 1941).

(ii) "If the Advisory Committee came to the conclusion that in the circumstances of any case there would be advantage to the proceedings by the bringing out of facts and that this would result from legal assistance being available, that tribunal or Committee has the right to say that such legal assistance could be provided...It is not the Home Secretary who settles whether legal assistance shall be available or not, but the Committee outside." The Advisory Committee asks a legal representative, if the detainee has given him instructions, "to appear before them to give evidence on behalf of the appellant or to assist the Committee on the appellant's

behalf in the investigation of the facts of the case."—Home Secretary (December 10, 1940).

(iii) The Advisory Committee can "call in any person who, in their opinion, may be able to assist in elucidating the matter with which the Committee have to deal."—Home Secretary (October 31, 1939). "In some cases witnesses may be available, in others not; and where witnesses are available, it is for the Committee to decide whether the attendance of witnesses is necessary."—Under Secretary (February 13, 1941). "Witnesses can be called, and are called in many of these cases."—Home Secretary (July 23, 1941).

I have quoted these only to show that when this provision was used in England, they made all possible evidence available to the Committee to decide whether the man should be detained or not. In our Act, appearance of a lawyer is barred. The detenu also cannot represent himself personally. He cannot also call in witnesses. This is bound to lead to many innocent persons being detained. The principle of the law is that while hundred persons can go unpunished one single person who is innocent should not be punished. It is therefore most important that these simple procedural things should be embodied in our Act, so that we may have an enactment which may not be behind similar enactments in some of the advanced countries of the world. Our Act should make all assistance available to the Advisory Board. The detenu should be permitted to appear personally or by lawyer. He should also be permitted to bring witnesses. It is only then that the Advisory Board will be of real service. It is only then that it can go thoroughly into the grounds of detention and give its findings. In making these facilities available, we shall not be doing anything extraordinary. I am merely asking you to do what the British Government did during the war. All my quotations are from the Civil Liberties Bulletin published in Bombay. I say: we are not demanding something which is unreasonable. We are only demanding that if you have to detain somebody under any circumstances, then at least do it after taking all precautions that no innocent person is detained and that only those who are really guilty are punished. If this is done, then some of the objectionable features of this Bill will disappear.

I am thankful to the hon. the Home Minister for having included the cases of persons detained hitherto under the

review of these Advisory Boards. Formerly, only cases of persons detained for interfering with supplies and for security reasons were reviewed and the main cases were left out. But that has been declared by Justice Mahajan to be a fraud on the Constitution itself and I am glad that his opinion has been given consideration by the Government and now all cases will go before the Advisory Board. There is still one flaw and that is that the cases of detenus who are detained for less than three months will not be reviewed. I know that the Constitution gives the Government power not to bring such cases before the Advisory Boards, but I do not think that the Constitution says that even by law we cannot provide that such cases also may be brought before the court. My opinion is that even such cases should be brought before the Advisory Board. I may tell you, Sir, that it sometimes happens that Government detain a person first for three months and as soon as that period expires they detain him for another three months and again the same thing is repeated. It is done in such a way that it defeats the purpose of the law and a man is detained for nine or ten months. This is something which should not be permitted. If Government is permitted this power of detention, it should be used only in grave emergencies. Otherwise, any person may be detained for three months and his case will not come before the advisory Board. I think this is the minimum that should be done to liberalise the Act.

As I said in the very beginning, this Act is something which I consider to be unworthy of the Constitution and I would have wished that these powers should be reserved for only an emergency period. As it is, I can give you several instances where this power has been misused. I may give you an example from personal experience. You will remember that I myself was recently arrested for talking to labourers. At midnight in my room I was awakened from sleep and I was arrested along with eight other persons. We all went to jail and when Mr. Tyagi came and asked me whether I would like to be released on bail, I refused to give bail. My other friends wanted to be released, so they gave bail. Normally, they should have been released under Section 183. But what happened? For two or three days we were informed that orders were being awaited from the District Magistrate and after this delay they passed an order of detention under the Preventive Detention Act. They were told, "Even if you are released on bail, you are detained under this Act." Use of this Act was

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made, not for the genuine purpose of indulging in Communist activities but simply to keep those persons in detention. Under Section 188, the man should have been released on bail immediately. But on some excuse, they waited for three days and then this order of detention was passed. I would like to read the order of detention to the House, so that the hon. the Home Minister will know how this Act is actually used. All the actions are declared to be secret and violent and persons are detained. The hon. the Home Minister may at least now give some weight to my suggestion that such sweeping powers should not be given to the executive, because they are misused throughout. This was the order issued on seven workers of the factory who had joined the strike. They were leading workers. They were neither Communists nor Socialists. They were pure workers who had joined the strike. The order says:

"Whereas, by virtue of order No. so and so dated so and so, you so and so have been detained under sub-clauses (ii) and (iii) of Clause (a) of Sub-section (1) of Section 3 of the Preventive Detention Act, 1950,

Now, therefore, etc. etc."

And then the grounds of detention are given, which are:

"Under clause 3 of the Notice of the Regional Conciliation Board, Meerut, dated 28th October 1950, the employees and employers of Sir Shadi Lal Sugar and General Mills Mansurpur, were forbidden to go on strike or to declare a lock-up until the expiry of two months after the conclusion of the proceedings before the aforesaid court in respect of Jainand Lal. This dispute was decided on 5th December 1950, but in utter disregard of this clear mandatory order, you forced the workers to go on illegal strike from 9 P.M. on 19th January 1951 even before the scheduled time given in the strike notice."

The history of this case would show that the strike was not an illegal one, but they used some device to declare the strike illegal and this particular order was issued.

An Hon. Member: Under what Act was this order issued?

Prof. S. L. Saksena: Under this very Act. The order goes on:—

"From 20th January 1951 onward you and your associates instigated the cane growers not to

supply sugarcane to the factory by spreading false propaganda and intimidation and you forcibly prevented willing workers from resuming work. This resulted in uneasiness and discontentment amongst the workers and also amongst the cane-growers who were faced with fodder shortage and gloomy prospects of cane disposal and as such there was imminent danger of breach of peace."

"That on 21st January 1951 you intentionally obstructed the Railway staff from moving the railway wagon away from the mill premises and incited the workers to lie down on the railway line if the wagons were moved."

This is hardly a matter for which preventive detention could be utilised. They could have been proceeded under the ordinary law of the land.

Shri Tyagi: Were they obstructing the railway?

Prof. Saksena: They were not.

Shri Sidhva: Did they use violence?

Prof. Saksena: They did not. The order further proceeds:

"That from 20th January 1951 onwards you organised several meetings, i.e., on 23rd, 27th and 28th January 1951 and delivered exciting speeches exhorting the labourers not to be afraid of bullets or lathis and to risk their lives and those of their women and children in forcibly preventing willing workers from joining their duty and cane growers from supplying sugarcane to the factory. You actively worked up the feelings of the labourers and excited them by saying that the Government and the mill-owners were sucking their blood. In fact you actually brought the women and children of the workers and placed them at the mill gate in order to force the willing workers not to resume duty.

That on 28th January, 1951, when the District Magistrate called a general meeting of all the labourers in which all workers without a single exception agreed to resume work and the workers had actually started going to work, soon after the departure of the District Magistrate from the mill premises you raised provocative slogans and delivered exciting speeches and extended threats with the result that even those workers who

had entered the mill for duty were compelled by you to come out.

That you on the night between January 28/29 addressed a meeting at Shamli and delivered a fiery speech exhorting the labourers to defy the orders under section 144 Cr. P. C. and not to be afraid of bullets or lathis.

"These actions on your part are prejudicial to the maintenance of public order and the maintenance of supplies and services essential to the community and it has, therefore, been considered necessary to detain you.

Also, in pursuance of the provisions of the said Section of the said Act, you are further informed that you have a right to make a representation against the order under which you are detained. If you wish to make such a representation you should address it to the Home Secretary to the State Government through the undersigned.

Given under my hand and seal of the Court, this 2nd February, 1951.

D. P. Singh, I.A.S.,

District Magistrate,
Muzzaffarnagar."

Sir, this is the way in which this Detention Act is being worked by the Executive. In this strike which affected about thirty factories about ten workers have been arrested. I cannot say whether all of them have been detained. But in this particular mill I had with me seven persons who were first arrested under section 144 for breaking the law and when they applied for bail and were about to be released they were given this notice and they are still under detention. Sir, the order does not even say how long the detention will continue.

Pandit Thakur Das Bhargava (Punjab): It is always done.

Prof. S. L. Saksena: My friend says it is always done: that is how exactly this Act is being worked.

Shri Tyagi: How was my hon. friend released?

Prof. S. L. Saksena: I will tell you how I was released.

I was not served with such an order. In fact, when I was asked whether I would like to be released on bail, I refused. Then they examined my fractured leg. They were afraid that it might become worse and said: "You

go to hell; we shall not keep you in jail."

Shri Tyagi: So my hon. friend has come here instead!

Prof. S. L. Saksena: They have not withdrawn the case against me. I thank the Magistrate for the consideration shown to me. But I wish to remind the House of the unfair manner in which this Act is used against the workers and the effect it is having. I know the workers for the past so many years. I have been working among factory labour for the past twenty years. My district of Gorakhpur has twenty-four factories and I have been associated with them. These workers come from rural villages; they have been ardent congressmen. But I am sorry to say that seeing what is being done to them under the Congress Government they have become very much anti-Congress. Even now they will listen to me. But they do feel that the Congress is not living by the principles for which it fought.

I, therefore, ask the hon. the Home Minister whether he can check the spread of communism by passing such Acts here and by using them, in the manner they are being used. As one who claims to be a Congressman for the last thirty years and who has passed one-fourth of his life in the various movements, as one who is still the President of his District Congress Committee (of Gorakhpur) and a Member of the A.I.C.C., I say that our Congress is going to the dogs, because we pin our faith on these Acts and not try to act up to the ideals for which we have lived and worked. Mahatma Gandhi has taught us the ideals that should guide our actions. We in this world today are divided in two camps: the communist camp and the capitalist camp. Russia and America are the two blocs in this world. In regard to this our Prime Minister has taken the right stand. But I think that you cannot fight communism with the atom bomb, or with Detention Acts. If you have to fight communism, you have to act according to the higher ideology given to us by the Father of the Nation. But, unfortunately, we have forgotten what we have learnt during the past thirty or forty years. We now pin our faith on the atom bomb and the Detention Acts. Do you think you can stop communism in this manner? Many of my good friends who were ardent congressmen for the past thirty years have now become communists. It is these tyrannies, these injustices, these social maladjustments which have made them communists. You cannot stop communism by passing these Acts. You can only stop it by living by what the

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Father of the Nation taught us. If you want to give the world a message, you have to practise it in your own country.

Sir, I have given expression to my feelings, because I feel for the Congress. I have been in the Congress all my life but I feel now that the Congress is being torn to shreds. It is being broken to pieces, because of these Acts of our Government. I, therefore, want to impress on the hon. the Home Minister and our leaders that you cannot set things right by your *lathis* and by your bullets. In this strike, to which I referred, I was ashamed to see the District Magistrate issuing a statement after a man was shot through the head.

पुलिस को २८ राउंड फायर करने पड़े तब भीड़ हटी। केवल दो हड़तालियों को चोट आई क्योंकि बहुत से फायर गाड़ियों की मौजूदगी के कारण निष्फल हुए।

[Police had to fire 25 rounds to disperse the mob. Only two people participating in the strike received injuries as many bullets that fell on the trucks were ineffective.]

I am ashamed of these guardians of our law and order: I am ashamed of the congressmen. I, therefore, say, Sir, that this is not an Act which will stop communism. If you want to stop communism live by the ideologies that the Father of the Nation taught us. Sir, I have done.

Sardar Hukam Singh (Punjab): When I read the Statement of Objects and Reasons given in this Bill I find myself entirely in agreement with them. It has been said that the primary reason for the enactment of this legislation was the necessity to protect the country against violent activities organised in secrecy and intended to bring chaos.

[MR. DEPUTY-SPEAKER *in the Chair*]

If in fact these objectives had been adhered to I would not have stood up today to say anything against this Bill. We were told last time as well that the Communists had the largest number to contribute to this lot who had to be detained without trial and that there was danger to the existence and security of the State. We were told that they used merciless and ruthless tactics to subvert it; that their inspiration, the methods that they employed and their culture were all of a foreign stamp. We were further told that financially, strategically, structurally

and tactically they were linked with foreign organisations and that their object was to create disruption and dislocation and that they attempted to tamper with communications. With that object in view certainly the House supported the Bill and passed it in a very short time.

4 P.M.

There was another reason given that certain judicial pronouncements had been made by various High Courts and some dangerous persons had been released or were going to be released then in a day or two; that if all those persons were set at large there was danger to the State, and that the different States had complained and urged upon the Central Government the necessity of passing such a legislation in a hurry so that they might be able to cope with the situation.

On the present occasion also when this new amending Bill was introduced, we were assured that it was not the intention to use this Bill or any of its provisions against political adversaries but the enemy, who, we were told, had advanced in his tactics and some groups worked in secrecy; they wanted to seize power by force and they were exploiting every opportunity they could find to subvert the present authority.

Of course, as I have said in the beginning, if that objective had been adhered to, I must have given my support whole-heartedly. If its application had been in such cases where really the persons involved had this object of violence or intended to employ such methods, then there would have been little opposition in this House. What I expected was that the hon. the Home Minister would, when he introduced this Bill, give us greater details as to its application and its implementation. We wanted to know whether the objectives had been adhered to and whether all those promises had been kept. We expected some more details about the working of that measure that we passed last year in such hurry. We should have got all facts up-to-date, though I am thankful to the hon. Member here by my side that he has got some figures and has made us cognizant of some of them. But as they are not up-to-date I should have really expected the hon. the Home Minister to have given us complete figures—how many have been proceeded against, what was the number out of those that were referred to the Advisory Boards, in what cases did the Advisory Boards recommend that the detention was not justified, in how many cases out of those did

the executive act according to that advice, what was the number that was now being detained; furthermore, what cases were referred to judicial courts, the Supreme Court or the various High Courts and what had been the result, what number of those referred to judicial courts had been released and in what number had they refused to interfere. These certainly were facts, which if they had been provided to the House, would have given some ground for the hon. Members to judge whether there was really justification why we should extend our support to this amending Bill.

It has been said by my hon. friend, the previous speaker, Prof. Shibbanlal Saksena that the application of this Bill should be confined to the time when the President declares an emergency in the country. But I differ from him. If it were to be intended that this should apply only when the President announces an emergency, then there would be no need for the Bill, because in that case every liberty is to be suspended, all Fundamental Rights are gone, we have no right to be defended by a lawyer or to be tried in a court of law. Perhaps he has been misled by the laws of other countries because France and other countries have such provisions only when such an emergency arises. But that emergency is a separate thing altogether. It is in addition to those powers that our Government wants us to endorse when no such emergency exists. Therefore we have to scrutinize this matter. I agree that the security of the State should be the first concern. If that is endangered, certainly no other liberty can come into consideration. But when that is not feared and when that is not the case, then individual liberty has also to be respected and we should see that we give every precedence and are very zealous of any encroachment that is tried to be made upon this liberty. It has been stressed by the hon. Home Minister that it is not intended to be used against our political adversaries. I wish this were so, but I am going to place certain factors which I claim would prove that its application has been made in cases where there was no fear of any violence, where it was clear that there were no Communist activities, where there were no subversive acts, but simply when the Executive of the day, when the party in power thought there was some danger to the stability of the Ministry, to the stability of the Party, that this was resorted to as a measure to keep them in the saddle.

Coming nearer home, I can only give illustrations and instances of my own

province. I would give you certain illustrations of how this Act has been most flagrantly abused and the powers that were granted under this Act were misused. Whatever other defects you might attribute to Communalism, this much I can say that Communalism is the antidote of Communism. Both cannot walk together. One is deadly against the other. Coming directly to my point, what I want to say is that though the Shromani Akali Dal is attributed with this tendency of Communalism, I can assure this House that it is the deadly enemy of Communism. The Shromani Akali Dal directed its legislators to join the Congress Party in March 1948 but on 30th July 1950, on account of reasons that they thought were enough, asked them to come out because they felt the objects for which they had been asked to go in had not been fulfilled. I may tell you that if the party had been displaced, the Akalis could not go in power and it must have been the other group of the Congress that would have come into power. It was not with the object of saving the Congress in power but it was with the object of preserving or continuing in office those persons that were wielding power at that time.

What methods did they employ? Just when this resolution was passed, they felt that the Ministry would succumb, it would collapse and the opposite group of the Congress would come into power. So the whole machinery moved. All ministers, whether they were Sikhs or others, went round in the country; they toured extensively at Government expense on one pretext or another, that they were doing Government work but the whole object was to get this resolution revoked. I need not repeat that it was a purely legitimate resolution and the party and the Akali Dal had justification to say this much to the representatives that they should come out. There was nothing subversive in it; there was nothing illegal in it. But after extensive tours, when these ministers found that they would not succeed, then the only method left to them was that they should resort to this measure which is now under contemplation to save themselves. Therefore indiscriminate arrests were made, people were detained without trial, about three dozens of them were taken into custody within 3 or 4 days.

Shri Tyagi: On a point of order, I wonder if this House can discuss the conduct of a State Government which is not here, to make a statement in protest. I could understand that we may criticize the policy of the Executive but to say that they took a

[Shri Tyagi]

certain executive action on account of such and such reasons and to attribute motives, would not be in order, Sir.

Sardar Hukam Singh: Sir, I am going to explain when this Act was resorted to and people were put inside the jail, when the Preventive Detention Act was made use of and in the cases I am going to submit—I would support them by judgments of the High Court—they were taken in custody, and I may say all the grounds were given there. If the hon. Member is patient for a few minutes, perhaps he will bear me out that I am relevant in this and that I am not going outside my scope.

Mr. Deputy-Speaker: This Act applies both to the State Governments as well as the Central Government.

Shri Rajagopalachari: The point is this, that while we can illustrate our argument hypothetically or otherwise, it would not be proper to take for granted certain presumptions that so and so did so and so. If they were hypothetical cases, there would be no objection to any amount of argument, but to attribute to A, B and C an unworthy conduct, who are not here to defend themselves is not the right way to present an argument which could be based on principles without making such presumptions.

Mr. Deputy-Speaker: Under this Bill an officer of any State Government and the Central Government can issue orders.

Shri Rajagopalachari: There is no point of order raised. I do not think the hon. Member who raised the point of order was raising the usual point that this was a State affair and we should not discuss. I submit that the only point that should be considered by the hon. Members who speak and not the Chair is whether it is not enough to represent a case with illustrations hypothetically instead of explaining a particular crime or unworthy conduct on the part of particular people, who are not here to defend themselves.

Shri Tyagi: I feel probably the Chair could not catch the point of order I raised. What I was saying was that the hon. Member while developing his argument said that there was a certain attitude adopted by the Akalis or some other organization in the Punjab, and the Ministry did not like that attitude: they then tried to change their resolution: they failed in making them change their resolution and when they found that they could

not change the attitude of a certain group, then they resorted to arrests. Here a certain motive is attributed. I do not know whether they resorted to it on account of their failure to get their attitude changed or whether it is for certain other reasons. I therefore submit that it is not proper for us to attribute motives for resorting to take certain action.

Mr. Deputy-Speaker: The hon. Member may draw attention to any particular cases instead of generalizing in that manner.

Sardar Hukam Singh: Sir, I was coming to particular cases, but I was interrupted, rather too hurriedly. I would not be unfair to anybody and I would read the explanation of the administration also that appeared in the Press. Why they did so was—it is mentioned there—that it had intimate connection with the harmony of the two communities. This resolution had also that effect and therefore, they had to interfere. I am coming to that as well and I will put their defence as well before this House, Sir.

I was just submitting that about 3 dozen persons were taken into custody and without trial they were put behind bars. Several of them went to the High Courts. Here I will try to refer to the grounds that were supplied to them. That was my chief object and I think I am within my rights to refer to those grounds that have been supplied. These are the grounds, Sir. I am reading from a High Court judgment as observed by the High Court Judge in his own judgment:

"In the case of Fauja Singh the grounds were as follows: On 8th of May 1950, you participated in the general meeting of the Shromani Akali Dal when a resolution delegating full powers to Master Tara Singh to manage the affairs of the Dal was passed."

"You also participated in an informal meeting of the Akali workers on 10th May, 1950, when it was decided to hold an All Sikh Convention on the 27th and 28th of May, 1950. As a result of these meetings, a resolution sponsored by Master Tara Singh has been passed by the Working Committee of the Shromani Akali Dal on the 30th July 1950, to the effect that if the Panthic MLAs of the Punjab Legislative Assembly do not voluntarily quit the Congress, they will be compelled to do so by coercive methods."

I will come to those coercive methods also later on. This is the first ground given that he attended one or two meetings and then subsequently a resolution was passed. Then, there is the second ground.

"You have in public utterances declared yourself to be a firm believer in the leadership of Master Tara Singh who, according to you, is the only person who could deliver the goods to the Sikh community. You are of the view that in the long run, the Sikhs who were at present working as henchmen of the Congress would also have to revert to the Master's lead."

This is the second ground.

Shri R. Velayudhan (Travancore-Cochin): Is it a Government communique?

Sardar Hukam Singh: These are the grounds that were given to the detenus by the District Magistrates after they were arrested and the High Court is discussing these grounds. Then, Sir,

"Now that a resolution, making the intentions of the Shromani Akali Dal very clear, has been passed, it is strongly believed that in pursuance of that resolution you will commit acts prejudicial to public order."

These are the grounds.

"Your detention has therefore been ordered to ensure the maintenance of public order."

Mr. Deputy-Speaker: The hon. Member referred to coercive methods. He has slid over that.

Sardar Hukam Singh: I am coming to that, after referring to.....

Mr. Deputy-Speaker: One of the grounds refers definitely to coercive methods being adopted.

Sardar Hukam Singh: Yes, if you want me to revert to that first of all, that has been discussed in the judgment of the hon. High Court. The District Magistrate filed an affidavit that the resolution stated that if the Congress Members did not come out in pursuance of that directive, some coercive methods would be adopted?

Shri Kamath: Violence?

Sardar Hukam Singh: No question of violence. Then, it was challenged in the High Court that it was wrong,

that the affidavit was not true. Then, the High Court sent for the original resolution. The Secretary produced that. The District Magistrate was asked: from the resolution it is found that there is no mention of any methods, how he inferred and how did he feel that there was any intention of using coercive methods. He said that perhaps there may have been something there,—I am talking from this judgment—though it is not embodied in the resolution, but certainly they must have omitted that part and that otherwise, he felt satisfied that there was some talk about it. Then, the High Court in the ultimate end says that because the Act says that the District Magistrate should be satisfied, it is not the High Court that is to be satisfied, and therefore, they cannot interfere, and that though the resolution does not say so, if he says like that, they have to be content with that however helpless they might be. It is the District Magistrate that has to be satisfied, and if he says that he is satisfied, that ends the matter.

I am coming to the next case. I only wanted to show that there was nothing that was coercive. There was no intention and the resolution makes it perfectly clear. That is also mentioned in this judgment.

Mr. Deputy-Speaker: The Advisory Board also seems to have been satisfied.

Sardar Hukam Singh: I am coming to the Advisory Boards as well subsequently. I am reading the other grounds given:

"Three days after his arrest on the 16th of August, grounds of detention were communicated to Rachpal Singh Bedi as follows:

'After the arrest of Master Tara Singh, you attended several meetings and made speeches to secure his release by making all sacrifices to attain the goal.

You have been making speeches to demand the creation of a 'Punjabi Suba'. You have also made speeches criticising the existence of the Public Safety Act in India.

On 6th September 1949, you delivered a speech in a public meeting held in Amritsar in which you held Giani Kartar Singh responsible for the lathi charge made on the workers of the Desh Sewak Party.....

[Sardar Hukam Singh]

You led a batch of Shromani Akali Dal followers to stage a "Black Flag" demonstration on the occasion of the speeches of Sardar Baldev Singh and Giani Kartar Singh at a bye-election meeting in Anjuman Park on the 26th August 1949."

Mr. Deputy-Speaker: The hon. Member is reading all the grounds?

Sardar Hukam Singh: There are others also.

Mr. Deputy-Speaker: Is the hon. Member reading only some of the important grounds or all the grounds?

Sardar Hukam Singh: I will read others also.

Mr. Deputy-Speaker: All the grounds in any particular case?

Sardar Hukam Singh: Yes, I am going to read all of them.

Shri Rajagopalachari: In an attempt to make the speech reasonable, we need not help to prolong it.

Sardar Hukam Singh: I am sorry if I was unreasonable; I will try to be within limits if I have exceeded that.

Mr. Deputy-Speaker: I only wanted to point this out. There will be a number of cases. Therefore, some select instances here and there to just cast sufficient light upon the principles may be quoted: not exhaustively all the instances that have occurred all over the country.

Sardar Hukam Singh: I would not continue reading this. I would revert to another instance; two District Magistrates of two different Districts in East Punjab handed over grounds to the detenus in their districts. It was argued before the High Court that these grounds were so identical, comma for comma, full stop for full stop, every word and letter, as though they had been typed at one place and that otherwise it was not possible for every word and every letter to agree.

An Hon. Member: Cyclostyled?

Sardar Hukam Singh: May have been cyclostyled all right. This was the argument before the High Court and the High Court let them off on this ground. These were the grounds that were given to them:

"You being a follower of Master Tara Singh....."

Mr. Deputy-Speaker: Order, order; the seriousness of the debate is taken away; we are engaged in a serious business.

Sardar Hukam Singh: At least I am very serious, Sir.

Shri Sidhva: On a point of information, may I ask, Sir: reference is made to Master Tara Singh. May I know what is the policy of Master Tara Singh, violent or non-violent? That I want to know.

Sardar Hukam Singh: That he has made clear so many times that he stands for purely constitutional methods. He does not resort to any violent methods. He only wants a re-distribution or re-demarcation...

Guri Sidhva: Read his speech; I want his version and not yours.

Sardar Hukam Singh: I am coming to his case as well.

"That you being a staunch follower of Master Tara Singh and an active worker of S. A. Dal are indulging in subversive activities.

That you under the influence of Master Tara Singh and the Dal have started an agitation and are likely to employ method other than constitutional to coerce certain M.L.A.s and others to follow the directive issued by the S. A. Dal. You are likely to act in a manner prejudicial to the State for the maintenance of public order.

Your detention has, therefore, been ordered to ensure public safety and security of the State."

Sir, these are the grounds given by two District Magistrates in two separate districts and I have read the whole of it.

Mr. Deputy-Speaker: And what did the High Court say?

Sardar Hukam Singh: In the case of the last two that I read out, the High Court ordered their release. But in the case that I read out before, the High Court found themselves helpless as the District Magistrate was satisfied that coercive measures were intended and it was not for the High Court to find out whether really any such coercive measures were intended or not. The District Magistrate had to be satisfied and not the High Court.

Mr. Deputy-Speaker: But why were the last two released?

Sardar Hukam Singh: Simply because it appeared to the High Court that the District Magistrates had not applied their minds to the question whether the persons were indulging in any prejudicial activities, because the grounds were so identical and seemed to have been cyclostyled copies. It appeared to the High Court that perhaps the District Magistrates had not applied their minds towards this question.

Shri Tyagi: But a machine could not have given the grounds, they must have been written, after all.

Sardar Hukam Singh: Sir, there has been a suggestion here that Master Tara Singh's policy should be stated, but I would not do so, for if I do, I would be out of court here. But when these arrests were made, there was the cry that while his followers were being detained, Master Tara Singh himself was not being touched. Therefore, Master Tara Singh was arrested to be tried on the ground that he had made certain speeches. But when the cases went to court he was let off on the ground that he had not committed any offence. Therefore the position is, while he is free, his supporters and followers are rotting in jail.

Mr. Deputy-Speaker: Sometimes persons are more loyal than the king himself.

Sardar Hukam Singh: May be, that may be the case, Sir.

I am thankful to my hon. friend Mr. Kamath for giving me certain figures. When I refer to them I find that in the Punjab 91 were detained under clause (2) and 9 under clause (3) making a total of 100 and the number of cases reviewed by the advisory board is given here as 47. The number of persons released on the advice of the advisory boards is given here as 2. I do not know as a matter of fact whether in other cases the advisory board was of the opinion that really the persons were such as should be detained, or whether the Government did not act on the advice of the board, or what happened. The position is not quite clear to me and therefore I cannot as a positive fact, give an opinion on that.

My submission is this, that this Bill which is intended to be passed to-day should not be proceeded with in such hurry. The liberty of the individual is very dear to us all.

Mr. Deputy-Speaker: Where is the hurry? I find hon. Members going on quite leisurely.

Sardar Hukam Singh: Yes, Sir, if there is no hurry, then my motion may be accepted, I mean that I support the motion of Prof. Shah that the Bill may be circulated for public opinion.

Mr. Deputy-Speaker: But the hon. Member has given notice of an altogether different motion, his is for reference to a select committee.

Sardar Hukam Singh: I have not moved it because a similar motion has been moved by Mr. Kamath and I am supporting it.

Mr. Deputy-Speaker: But that is not for circulation of the Bill.

Sardar Hukam Singh: Yes, Sir, I have signed that and also Prof. Shah's motion.

Last time we were told that there were certain judicial pronouncements and therefore Government wanted that these people who might be a danger to the security of the State should be dealt with and it was necessary that the Bill should be passed the day it was presented to the House. But this time the Government ought to have been aware of the position. They cannot plead now any ground of want of time and say that the measure should be hurried through. They could have brought in this measure earlier. They knew that it was going to expire soon and we had a December session as well. During that session this Bill could have been considered. Now to say that there is little time left, that it is due to expire on the 31st day of March and therefore we should hurry it through does not seem reasonable to me.

Sir, I have tried to show that the provisions of the Act have been misused. Though we are assured that it is the intention of the Government that political adversaries would not be affected, still what we find from the implementation and working of the Act is the reverse. That may be the honest intention of the Government at the Centre. But we know fully well that when one party is in power and there is naturally the desire to maintain that position, the District Magistrate or other officers of the executive have to fall in line with that party in power, with those who are at the time running the administration. Therefore they have to look to their bosses and to the wishes of their bosses. And by leaving the scope of this Bill so wide, we certainly give them the powers that may be misused as they have been

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misused in the past. I would crave the indulgence of the House and request it to see if this Act has not been misused.

Sir, as has been rightly pointed out by my hon. friend Mr. Kamath, the elections are very near. We have been making professions that these elections would be fair and free. I dare say, Sir, there would be no free elections and no fair elections if these wide powers are in the hands of the executive or in the hands of the persons who hold power at the time of the elections. Therefore, it is very necessary that this handle should not be given to them. And the public should not feel that the Government does not want a fair and free election. Sir, my request is that we should take the public into confidence and call for their opinion, even if it be within the short time suggested by Prof. Shah. If the House is not inclined to that view, and if it feels that that is not possible within the short time at its disposal, then let the other motion be accepted by the House, that the Bill be referred to a select committee as has been suggested by Mr. Kamath.

Shri Naziruddin Ahmad (West Bengal): The scope of this amending Bill is a very narrow one. Its object is to liberalise the provisions of the existing Act. From that point of view, I believe the Bill should be supported. But, Sir, during the debate, a much wider ground has been covered and democracy, freedom of the individual, the Constitution and other high-sounding terms have been invoked. Therefore, it is that I feel called upon to state my views.

Shri T. Husain (Bihar): Sir, on a point of information, I was under the impression that the amendments were to be moved first and then there would be a general discussion. But I find Mr. Anthony is here waiting to move his amendment, and the general discussion is proceeding. What is the correct procedure?

Mr. Deputy-Speaker: Two amendments have been moved, one for circulation and the other for reference to a select committee. The other amendments relating to reference to select committee differ only in the date fixed for the select committee. 1st of March, 5th March and 12th March are mentioned. I think Mr. Anthony wants the date fixed as 1st March. I do not think the hon. Member who rose and pleaded for Mr. Anthony who can speak for himself, thinks that there is any difference in the substance between one

amendment and another. Of course, Mr. Anthony will have his turn also.

Shri Hanumanthaiya (Mysore): Are we to understand that the movers of amendments will speak first and then others will be allowed to speak?

Mr. Deputy-Speaker: I am satisfying the hon. Member when I called on Mr. Naziruddin Ahmad to speak and not Mr. Anthony.

Shri Hanumanthaiya: I should like to know whether after the movers of amendments have finished others should catch the eye of the Chair.

Mr. Deputy-Speaker: There is no such rule. It has been again and again said by the Speaker that there is absolutely no such rule. There is a large number of amendments and persons who want to move their amendments will be given an opportunity but it is not an inflexible rule.

Shri Naziruddin Ahmad: I was going to ask whether such high-sounding names as constitution, freedom, liberty and other things could be legitimately invoked in opposition to the Bill. What is liberty, after all? We have got liberty of the democratic type. There are other kinds of liberty, which are of a dictatorial type. For good or ill we have chosen the line of democracy and democracy means the rule of law as opposed to autocracy or rule by force. All liberties and freedoms in a democratic form of Government must conform to legal means. We must uphold the law. Democracy is a rule of law, where there is supremacy of law. If therefore there is a party or individual or a group of people whose object is to subvert law and order, to remove the present Government or any Government by force, I ask whether that is the kind of democracy which we want or whether that is the kind of liberty which we have enshrined in our Constitution? I believe it is the duty of everyone who wants democracy and liberty first of all to uphold the cause of law. I submit therefore it is those parties or persons who work in secret to create disaffection with the object of subverting the Government or removing the Government by force, who are the target of this Act.

The present Bill tries rather inconsistently, I believe, to liberalise those provisions and those hon. Members who are in sympathy with the law-breaker should rather thank the hon. Minister for humanising the provisions in the present law.

What are the three principles enshrined in the Bill? One is procedural

that an order should be valid in an area and not beyond the jurisdiction of the issuing officer. The second is that cases of those persons should be brought before advisory bodies. Hitherto the opinion of the advisory body was not binding upon the Government but now the Government wants to restrict its own powers and give the fullest latitude to the advisory bodies, and they will certainly consist of high officials with judicial experience and Government is bound to go by their advice. I think this is a principle which goes in favour of those hon. Members who are opposing the Bill. Then the third principle is that persons who are detained should be allowed to go out on parole, so as to help the criminals give up their ways and mend. This is another liberalising provision in the Bill with which the entire House should agree and specially those who are in sympathy with the law breakers. These are the three great and important principles which are embodied in the Bill.

I submit that law-breaking must not be encouraged. The Government's duty is to govern and protect the innocent from the hands and ravages of the criminal. I believe that the method of open trial can be expected when the crime is open. If there is murder, rioting or other open crime they can certainly be tried by a court of law. But we have to contend with crimes of an extraordinary character. These crimes are committed in secret and therefore evidence is very difficult to find. They exploit the grievances of the people and encourage them to rise in revolt against the existing Government. The crimes are not against the Congress Party or any other party. They are against civilised law, against civilised government and civilised order of society in the whole country. Therefore I submit that every one, apart from his political complexion, should rise and support the original Act, which is now being adapted in this House.

There are those criminals who work in secret and an exhibition was held in the Parliament building during the last session where a large number of weapons used by them was displayed. This showed that there is a party which though trying to sympathise with the kisans and the poorer sections of the people are trying to exploit their grievances and are ready, whenever they get the opportunity to subvert the Government and thus bring about a condition in which it would be impossible for any man to live. It is these matters which have to be tackled and tackled in a manner as laid down in the Act.

There is also the other kind of criminals who should also be roped in by the Act and the amending Bill. They are the black-marketeers. They also work in secret and try to take advantage of the poverty of the people and the shortage of food and other necessities of life. They work in secret and therefore evidence against them is hard to secure and perhaps would be insufficient in a court of law for conviction. They are a large body of persons with ramifications and with subterranean connections with the forces of law and order, against whom evidence is lacking but the Government has ample information in their possession about them. I believe the best way to tackle these criminals also is to bring them within the powers given by the Act, namely to detain them.

I submit that the orders of detention which have been passed have been exercised on a more liberal scale and what little action has been taken against the black-marketeer is rather disappointing. I submit that strong action on a widespread scale should be taken against them if we really expect to check this growing evil. The liberalising provisions which are incorporated in the Bill have gone slightly on the wrong side. We have shown much greater sympathy for these criminals than they really deserved. And the criminals should take proper notice that if they do not mend their ways, if they try subversive methods, try to exploit the poverty and grievances of the people, this House will be strong enough to arm the Government with more drastic powers than at present. After all, the people must be able to live peacefully. One suggestion has been made that instead of employing this Act it would be better for the Government to give the people full opportunities for a better living. No doubt that is the primary duty of Government but for reasons beyond control things are not within their hands; things have gone much beyond the stage they could tackle. But that is no reason why this factor should be exploited to break the law, to break the Government, to break civilised society altogether. I believe that the problem should be tackled from two aspects: one from within and the other externally. The material grievances of the people regarding food and other things should be solved. At the same time those who want to exploit them for purposes of subversive activities must also be tackled through the provisions of this Act.

I therefore submit that there is no grievance against this amending Bill. If there is any, I believe it may be

[Shri Naziruddin Ahmad]

legitimately claimed that the grievance is that the Bill rather softens the very necessary provisions.

Sir, although it is a very good measure necessary for the administration of the country, it has been, as has been pointed out, employed in certain cases where it should not have been, namely, to rope in certain political adversaries. I think the Government should carefully note these matters and in applying the provisions of this law they should rather be careful. Instructions should go round to the State authorities that this Act should never be used against mere political opponents. Its use should be confined to genuine cases.

Sir, it has been pointed out that in England and America cases under these provisions are rare. In England they are practically rare. It is so because in England there are no criminals of this type. The British are essentially a law-abiding people. They are essentially free but also essentially law-abiding. These two civically contradictory things must be combined in every law-abiding citizen. You should be free and you should be law-abiding. Without law your freedom will amount to the freedom of the jungle. Therefore, the English analogy cannot be applied to India. We heard that for several centuries no political crime has been committed in England. There for several centuries no political leader has been murdered or killed simply because of his political opinion. But we have it here. When we were breathing the air of freedom, when we were going to cross the threshold from bondage to liberty, it was just at that time that the greatest man of the time, the Father of the Nation, was done to death by a criminal. So, is it permissible for us for once to argue that because in England there is no such law there should be no such law in India too? The conditions essentially differ. Even in America the law-breakers are very few but there are a few there. So, the question will merely depend upon what amount of liberty can be given to all these law-breakers. Are they free to ply their trade in secret to subvert the liberty of the citizen? One can understand danger from without. An invasion can be made by Sardar Baldev Singh and his ample army. But here we are dealing with an invasion from within. The enemy is within our home. These enemies are our neighbours and they employ sweet-sounding expressions, high-sounding phrases like, "Liberty of the people", "Freedom for all", "Food for all", and so forth. All this is lip-sympathy and they want

merely to exploit the people in order to snatch the reins of Government subverting everything to pieces and convert the country into a ruin where there shall be nothing but plenty of opportunity for these law-breakers, where there shall be nothing but want and absolute poverty for the people for whom they profess to shed tears.

I therefore submit that the principle of the Bill should be accepted and supported by all. There is nothing for it but pure acceptance.

One long-exploded principle of criminal law has been invoked in this House. It is said that it is a sacred principle of criminal law that it is better that a hundred guilty persons are let off than that one innocent person should be convicted. This doctrine has long been exploded. That principle was propounded by a judge about two or three hundred years ago. That was a kind of a diplomatic flurry, or rather a rhetorical exaggeration, which he was making. But now it is admitted by all great authorities that that proposition is fallacious. It should never be that a hundred guilty persons should escape. It can never be that even one guilty person should escape. And also it should never happen that one innocent man must be convicted. The proposition is entirely fallacious. It was delivered by a great judge in the exuberance of his eloquence. He indulged in that picturesque expression. It was never a precise legalistic principle. And I therefore submit that the principle should be discarded once for all. The whole question before the criminal court is whether the evidence before it can prove that the man is guilty beyond doubt. If there was room for any reasonable doubt he should be acquitted. This fallacious idea of acquitting a hundred guilty persons rather than convicting one innocent person does not find a place in any serious law book or with any serious-minded lawyers. Such propositions should never be taken seriously, and I believe such a principle has no place in a civilised society. Therefore, it follows that we should pursue our course with clear confidence. If the Government believe that there are persons who are using subversive methods, who are ready to destroy all forms of Government, it is the duty, not merely the right, of Government to prevent such people from acting by punishing them, by trying in a court of law if evidence is available, but if they have secret ways of doing things without leaving any trace which could be brought before a court of law, then they should be dealt with by the provisions of this measure. These law-

breakers have no claim for sympathy and no claim for indulgence at our hands.

With these few words (*An Hon. Member*: Not few but very many.) No, I do not think so. Other hon. Members have spoken for half an hour and an hour and I have taken only ten minutes. (*Interruption.*) I do not like to be regarded as a good boy merely on account of the length of the speech. I think the speech should contain some substance.

5 P.M.

Shrimati Renuka Ray: I hope the hon. Member will remember that him-
self.

Shri Naziruddin Ahmad: I think I have made it quite clear that I am opposed to the amendment.

Several Hon. Members rose—

Mr. Deputy-Speaker: Shrimati Durgabal.

Shrimati Durgabal: It is now five o'clock and you have called me. I hope that this will be taken as giving me the chance to speak first tomorrow.

The House then adjourned till a Quarter to Eleven of the Clock on Tuesday the 13th February 1951.