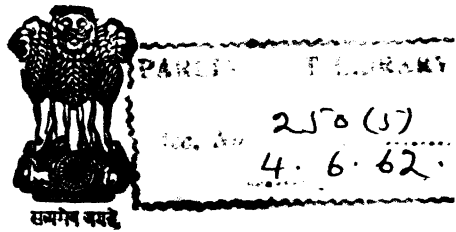


Wednesday, 14th February, 1951

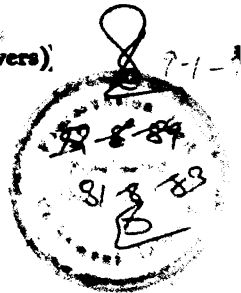


PARLIAMENTARY DEBATES

(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**

1409

1410

PARLIAMENT OF INDIA

Wednesday, 14th February, 1951

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

MAINTENANCE ALLOWANCE

*1420. **Shri Raj Kaawar:** Will the Minister of Rehabilitation be pleased to state:

(a) the total number of applications for maintenance allowance pending at the end of December 1950;

(b) how many of these are more than one month and how many more than three months old;

(c) whether any priority is given to the disposal of old applications over new ones;

(d) the total amount of maintenance allowance applied for till the end of December 1950; and

(e) the total amount of maintenance allowance sanctioned till the end of December, 1950.

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 5515 excluding those which may be pending with the district authorities, whose number is not known.

(b) As most of the applications are pending with the State Governments this information is not readily available. As soon as the information is collected, it will be laid on the Table of the House.

(c) Yes; applications are dealt with in the order in which they are received.

(d) The amount of labour involved in scrutinizing no less than 33,000 applications, will not be commensurate with the result achieved.

(e) Rs 2,39,360 p.m.

Shri Raj Kaawar: By what date are all applications for grant of maintenance allowance likely to be disposed of and a clean slate presented?

Shri A. P. Jain: I am not in a position to say at the moment what the last date would be, but I can assure the hon. Member that we shall deal with the applications as and when they are received from the State Authorities.

Shri Raj Kaawar: What precautions are taken to see that more than one member of the same family does not get maintenance allowance?

Shri A. P. Jain: The applications are carefully scrutinised.

Shri Raj Kaawar: Has any target date been fixed for the receipt of applications for maintenance allowance, and are no more applications received?

Shri A. P. Jain: Thirtieth November was the last date for the receipt of applications.

کہا جی - ایس - مسافر - آنریبل
ملکوی صاحب سے میں دریافت کرنا
چھتا ہوں کہ یہ جو الونس سہلکشن
ہو چکے ہیں ان کی ادائیگی کا کہا
پرستار ہے -

[Ghans G. S. Musafir: Will the hon. Minister kindly state the procedure adopted for the payment of the allowances that have already been sanctioned?]

جی ० پی ० جین : ان کی برداشتگی کا
اس وقت बहुत ही माकूल तरीका है और वह
यह है की जिस वक्त कोई मेन्टीनेन्स अलाउन्स
सैरकन होता है तो उसी वक्त एक कार्ड उस
वक्त को भेज दिया जाता है जिसको वह

मिलने वाला है और दो या एक कार्ड डिस्ट्रिक्ट को भेजे जाते हैं ताकि वह ट्रेजरी में भेज दिये जाय और जिस को अलाउंस मिलने वाला होता है वह वहां ट्रेजरी में या बिले में जो अफसर मुकर्रर है उस को वह कार्ड दिखा देता है और उसको अलाउंस मिल जाता है और इस में कोई देरी नहीं होती।

[Shri A. P. Jain: A very reasonable procedure exists at present for the payment of these allowances. Immediately an allowance is sanctioned, a card is issued to the person in whose favour it has been sanctioned. One or two such cards are issued to the district concerned for being forwarded to the treasury. The person who is to draw this allowance, presents this card in the treasury or to any other competent officer appointed in the district for this purpose and, thus, receives his allowance. No delay is involved in it.]

گھائی جی - ایس - مسافر - اس
طریقہ میں بہت کچھ دقت ہوتی ہے
اور دیریں پیش آرہی ہے کیا اس طرح
کی کوئی شکایت آنریبل منسٹر صاحب
کے پاس پہنچی ہے -

[Giani G. S. Musafir: Many difficulties are experienced about this procedure and generally much delay is involved. Has the hon. Minister received any such complaints?]

बी ए० पी० जैन : जी नहीं, कतई कोई शिकायत नहीं है। मेरे स्थाल से शायद कोई केस ऐसा होगा जिसमें कि मन्टीनेन्स अलाउंस मंजूर किया गया हो और उसके बाद जो आने वाली पहली तारीख है उस दिन उस को वह न मिल गया हो।

[Shri A. P. Jain: No Sir, there are no such complaints at all. I think there is hardly a case when a maintenance allowance is not paid to the person concerned on the 1st day of the month following the date of its sanction.]

काला अचित राम : क्या माननीय मंत्री बतायेंगे कि इस अलाउंस देने की स्केल क्या है ?

[Lala Achiat Ram: Will the hon. Minister kindly state the scale approved for the sanction of these allowances?]

बी ए० पी० जैन : इसका स्केल उस आमदनी पर मुकर्रर किया जाता है जो शहरी जायदाद से किसी शख्स को पाकिस्तान में पहले हासिल हो। अगर पाकिस्तान में उसकी आमदनी तीस रुपये माहवार तक थी तो उस को तीस रुपये माहवार पुरानी आमदनी के बराबर तक अलाउंस दिया जाता है। उसके ऊपर इसमें कमी की जाती है और ज्यादा से ज्यादा ५० रुपये माहवार तक अलाउंस दिया जाता है।

[Shri A. P. Jain: This is determined according to the income a person was deriving from his or her urban property in Pakistan. In such cases wherein the income in Pakistan was upto Rs. 30 per month, an allowance equal to that income viz., Rs. 30 per mensem is sanctioned to the person concerned. On incomes exceeding Rs. 30 it is sanctioned on a reduced scale and the maximum amount to be sanctioned is Rs. 50 per mensem.]

سردار حکم سلگہ - اس معلول
طریقہ سے کس قدر رقم اب تک دی
گئی ہے -

[Sardar Hukam Singh: What is the total amount that has been disbursed so far under this reasonable procedure?]

बी ए० पी० जैन : इस माकूल तरीके से २,३९,३६० रुपये माहवार दिया जा रहा है।

[Shri A. P. Jain: A sum of Rs. 2,39,360 is being disbursed per month under this reasonable procedure.]

گھائی جی - ایس - مسافر - کیا
ملتری صاحب اس طریقہ پر فور کر
سکتے ہیں کہ جن کو لائسنس سیکشن
ہو چکا ہے - منظور ہو چکا ہے - ان کا
لائسنس ان کے پتہ پر ملی آرڈر سے پہنچ

دنیا آجائے اور ملے آؤ کی فزس ان کے
 الفزس کے درود سے کت ای جاپا کرے۔

[Giani G. S. Musafir: Is the hon. Minister prepared to consider this suggestion that in cases wherein these allowances have already been sanctioned, they may be remitted to the persons concerned per Money Orders at their addresses, the Money Order fee being deducted from these allowances in every case?]

श्री ए० पी० जैन : मैं समझता हूँ कि
 बहुत बड़ा बड़ा बेहतर नहीं होगा क्योंकि
 जहाँ जहाँ की तदाव में मनी ऑर्डर जावने
 उहाँ उहाँ भी ब्यादा देरी हो सकती है।
 अभी इ० ए० सरकार को हक हाविल है कि
 दस, बीस या पचास जितने रुपये वह पाने
 चाकः है वह उहाँ में जाव और वहाँ से
 खया ले ले। मैं समझता हूँ कि जो तरीका
 हमने अक्तर करिा है वह उत तरीके से
 बेहतर है जो आनरेबल मेम्बर साहब ने
 सजवोज किया है।

[Shri A. P. Jain: I do not think that this procedure can work better than the present one, because there can be a possibility of delay at this end when the M.Os to be sent number several thousands. At present every drawee of the allowance whether it is ten, twenty or fifty rupees has the right to go to the treasury and draw the allowance from there. I consider the procedure adopted by us to be better than the one suggested by the hon. Member.]

Shri A. C. Guha: Can the hon. Minister state how long it takes to decide on an application and how long the Government takes to disburse the money?

Shri A. P. Jain: Well, so far as the receipt of applications is concerned, the last date fixed for their receipt in Districts was 30th November, 1950. Those applications were first sent to the State Government concerned and from the State Government they are passed on to us. Today there are no applications received by us which have not been disposed of. So far as the question of disbursement of the amount is concerned, if an application is granted today, from the first of

the next month the person begins to receive the allowance.

बाबू रामनारायण सिंह : क्या कोई ऐसा नियम निर्धारित हुआ है कि अधिक से अधिक कितन वर्ष तक यह बलाउंस मिलेगा ?

[Babu Ramnarayan Singh: Has any rule been laid down specifying the number of years for which these allowances will continue to be disbursed?]

श्री ए० पी० जैन : अभी हमने यह तय कर लिया है कि जित तारीख से यह बलाउंस मँदूर होता है उन तारीख से दो साल तक यह दिया जावे।

[Shri A. P. Jain: For the time being we have decided that such allowance will continue to be disbursed for a period of two years with effect from the date of its sanction.]

Shri Raj Kanwar: What is the maximum amount of compensation paid in any individual case?

Shri A. P. Jain: This question does not relate to compensation—it relates to maintenance allowance and so far as that is concerned the maximum amount given is Rs. 50 per month.

RELIEF AND REHABILITATION

*1421. Shri Raj Kanwar: Will the Minister of Rehabilitation be pleased to state:

(a) the total number of displaced persons who arrived in India from (i) West Pakistan and (ii) East Pakistan since the partition of the Country;

(b) the total amount spent so far by the Government of India on their relief and rehabilitation;

(c) the main heads under which the above amount was spent showing the amounts spent under each head;

(d) the approximate amount still required to be spent to complete the work of relief and rehabilitation; and

(e) the probable period required for the completion of this work?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The total number of displaced persons who arrived from (i) West Pakistan is about 50 lakhs and (ii) from East Pakistan about 49 lakhs. Of the 49 lakhs displaced persons who came from East Pakistan about 18 lakhs have returned to their homes.

(b) and (c). The following amounts have been spent on the relief and rehabilitation of displaced persons under the heads shown below:

	In lakhs of Rs.
(i) Establishment ..	132.06
(ii) Evacuation ..	426.16
(iii) Relief ..	3497.75
(iv) Rehabilitation Schemes ..	471.85
(v) Loans ..	3638.18
(vi) Capital Outlay ..	404.26
Total	8480.26

(d) Attention is invited to the reply given to Part (a) of question No. 558 by Shri Kamath on the 1st December, 1950.

(e) It is not possible to give any idea of the time which will be required to complete the work of rehabilitation.

Shri Raj Kanwar: What is the main head or form of activity under "Rehabilitation" which is taking the longest time or is likely to take the longest time to complete?

Shri A. P. Jain: The question is not so easy to understand or to answer.

Shri Raj Kanwar: If housing is one of such heads is it taking the longest time to complete? Cannot this work be speeded up and special measures adopted to build more houses for the displaced persons?

Shri A. P. Jain: I can assure the House that we have very considerably speeded up the construction of houses and the remaining problem of housing is by no means of a nature which cannot be overcome—we are trying to expedite it as much as possible.

Shri Raj Kanwar: How does Government propose to meet the huge amount required for the completion of the rehabilitation work?

Shri A. P. Jain: So far as I am concerned, I have had no difficulty with the Finance Ministry which finds money for me.

Shri S. N. Sinha: Is the hon. Minister in a position to state how much Government have spent so far in acquiring lands from private owners?

Mr. Speaker: For cultivation or housing?

Shri S. N. Sinha: For both cultivation and housing.

Shri A. P. Jain: The question requires such a minute examination of

details and I am not in a position to answer it today, nor can I promise that it will be possible for me to collect the details.

Shri S. N. Sinha: Is it a fact that after the lands were acquired from private owners, the refugees left the place and went back to East Bengal or West Bengal leaving the lands as they are and the private owners have again taken possession of the lands and have also taken the money all right. If this is a fact, may I know what steps Government are taking to realise the amount?

Shri A. P. Jain: That is by no means a general rule. I have not known of any such instance, but if such instances exist and they are brought to my notice, I shall be able to give the answer.

Shri A. C. Guha: The hon. Minister stated the number of migrants returning to East Bengal to be 18 lakhs. May I know how this number is divided as between Bengal, Assam and Tripura?

Shri A. P. Jain: West Bengal—16.37 lakhs; Assam—1.25 lakhs; Tripura—0.11 lakhs; and Bihar—0.02 lakhs.

Shri A. C. Guha: Does this figure of 16 lakhs from West Bengal tally with the figure given by the West Bengal Government of 12 lakhs?

Shri A. P. Jain: Not with the figure of 12 lakhs but almost an equivalent figure given by the West Bengal Government.

گوانی جی - ایس - مسالہ : (بھجی)

لٹھن پر خرچ کی جو رقم مانگئے ملتوی صاحب نے بتائی ہے کیا اس میں وہ رقم بھی شامل ہے جو قرضہ کے طور پر لی جاتی ہے اور جس پر 1 فی صدی سود لیا جاتا ہے ؟

[Giani G. S. Musafir: Does the amount spent on Rehabilitation as stated by the hon. Minister, include that sum also which is being disbursed by way of loans and on which an interest of 6 per cent. is being charged?

جی ۱۰ جی ۰ سوال : جی ہاں، اس میں وہ
سب رقموں کو کھربا کی شکل میں لیا جاتی ہے،

बाहे जून पर ६ फ्री सदी सूद हो या कम या क्यादा हो, वह सब इस में शामिल है।

[Shri A. P. Jain: Yes, Sir. It includes all those sums which are disbursed by way of loans irrespective of the fact whether an interest of 6 per cent. or more or less is being charged on them.]

Shri Kamath: Are there any figures to show how many Muslim migrants returned from West Pakistan to India, particularly U.P. and Rajasthan, after the conclusion of the Indo-Pakistan Agreement of 8th April 1950, and what is the expenditure incurred by way of paying them railway fare or otherwise to induce them to return to India?

Shri A. P. Jain: In fact, the question which the hon. Member has asked relates more to the External Affairs Ministry, but I can very roughly tell him the position. Originally, we agreed to take 11,000 persons from Pakistan and we have taken them. Under the second arrangement, about 10,000 persons were to be taken and I think some of them have already come here and recently about 1,500 have come. I cannot give the figures of expenditure because they have nothing to do with my Ministry.

Shri A. C. Guha: May I know the amount spent for West Pakistan and East Pakistan displaced persons separately?

Shri A. P. Jain: Most of the expenditure in the eastern region has been incurred during the current year 1950-51 and the amount so far booked on the new refugees is Rs. 1,49,38,000. Of course, the expenditure is much more than that.

TEXTILE GOODS (EXPORTS)

*1422. Shri A. C. Guha: Will the Minister of Commerce and Industry be pleased to state:

(a) whether there have been any complaints from the foreign purchasers of Indian textile goods as regards their quality, packings and price;

(b) if so, what steps have been taken by Government to remove the grounds of such complaints; and

(c) whether during the last three years, there have been any diversions of foreign textile orders from India to other sources of supply?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes.

(b) (i) A Sub-Committee of the Cotton Textiles Fund Committee set up under the Cotton Textiles Fund Ordinance has made a survey of the

qualities of the Indian textiles generally exported with a view to ascertaining how far complaints against Indian textiles are justified. The Cotton Textiles Fund Committee will consider in the light of this survey whether any machinery should be set up for inspection of cotton textiles before export.

(ii) The Mill-owners' Association, Bombay is, at the request of the Government of India, preparing, in consultation with the exporters associations, a standard form of contract, which can, in cases of dispute, form the basis for arbitration.

(iii) The Indian Standards Institution has prepared a draft standard code for sea-worthy packing of cotton textiles.

(iv) There is no price control for export. The level of prices is determined under the operation of the forces of demand and supply.

(c) There was a tendency for diversion of foreign orders for cotton textiles to other supplying countries during 1948 when there was an export duty, but during the last two years the position has changed and there is now a good demand for Indian textiles which India is not able to meet in full.

Shri A. C. Guha: What was the nature of the complaints so far received?

Shri Karmarkar: The nature of the complaints are:

(i) that cloth exported is inferior to the samples supplied by exporters;

(ii) that yardage of pieces in bales is less than that declared in the invoices;

(iii) that dyeing is kutch and faulty;

(iv) that there are major weaving flaws;

(v) that shipment samples are not sometimes supplied by the exporters;

(vi) that the package of bales is unsatisfactory and the contents burst in transit or get damaged in transit;

(vii) that a number of unnecessary and sometimes illegible markings are made on the bales with the result that the case marked does not reach the proper consignee;

(viii) that exporters charge a premium called "quota charge" in the case of coarse and medium cloth.

Shri A. C. Guha: Are these complaints due to inefficiency on the part of the staff of the businessmen or due to business dishonesty also?

Shri Karmarkar: It seems to be as a result of the cleverness of the exporters, not their inefficiency.

Ch. Ranbir Singh: May I know the approximate difference between the prevailing export price in foreign countries of Indian cloth and the control price in India for the same qualities of Indian cloth?

Shri Karmarkar: It is an interesting question, but does not arise out of this.

Mr. Speaker: Has he got the information?

Shri Karmarkar: No, Sir.

Shri R. Velayudhan: Referring to the answer to part (c) of the question, may I know from the hon. Minister whether he is aware that the Indian textiles exported to U.K. are re-printed in the U.K. mills and sent to South Africa, East Africa and other countries in the Middle East?

Shri Karmarkar: I understand that that is partly the case.

Shri A. C. Guha: What is the position of textile exports in South-East Asia countries? Is there any diversion of trade from India to Japan and other countries?

Shri Karmarkar: We allow the export of the exportable amount of cloth to all destinations.

Shri A. C. Guha: Is there any diversion from India to other countries?

Shri Karmarkar: We have no information to that effect.

COTTON CONTROL

*1423. **Prof. S. N. Mishra:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Cotton Control has been enforced; and

(b) if not, the reasons therefor?

The Minister of Commerce and Industry (Shri Mahtab): (a) The answer is in the affirmative.

(b) Does not arise.

Prof. S. N. Mishra: May I know what is the margin between the selling price of Bengal desi cotton in this country and in foreign markets?

Shri Mahtab: The price in the foreign market is fluctuating. So far as our present information goes, whereas the control price here is Rs. 650 the price in the foreign market is much higher than that.

Prof. S. N. Mishra: May I know whether Government think that cotton control has proved effective or whether they want to amend it to any extent?

Shri Mahtab: Government think that cotton control has been effective in the sense that mills are being supplied with cotton at controlled prices.

Sardar B. S. Man: Is there any truth in the report that there is a different price fixed for export and a different price fixed for local consumption?

Shri Mahtab: There is no price fixed for export, but I catch the hon. Member's point. It has so happened with regard to Bengal desi cotton that although the internal price is controlled, the export price has risen in certain export markets and the local price also is tending to rise as a result. This matter is under consideration and we are thinking of steps to meet the situation.

Sardar B. S. Man: Have any serious cases of infringement of cotton price control been reported to the Ministry from PEPSU and if so, what has been the action taken on them?

Shri Mahtab: Reports have been received not only from PEPSU but from other States also which produce Bengal desi cotton to the effect that the control prices have been broken in several cases. Some of the Bombay exporters have gone into the market and raised the inner control price. Steps to meet the situation are under consideration.

Kaka Bhagwant Roy: May I know whether there is any control on the price of ginned and unginned Bengal desi cotton in PEPSU and Punjab.

Shri Mahtab: There is control over the prices of Bengal cotton everywhere, i.e. not only in PEPSU but also in other States.

Kaka Bhagwant Roy: Is there any control on unginned cotton?

Shri Mahtab: There is no control anywhere, except that we control unginned cotton by collective purchase. Thus, the price of cotton is controlled.

Shri Tyagi: May I know what is the margin between the export price of cotton and the local purchase price and may I know whether it is a fact that there is a difference of 50 per cent. which the merchants of Bombay are enjoying without the Government levying any duty on it?

Shri Mahtab: As I have already said, that question is under examination.

Mr. Speaker: Let us now go to the next question.

Shri Tyagi: This is a question relating to the loss of revenue to Government.

Mr. Speaker: Whatever that may be.

Shri Mahtab: May I say, with your permission, that there is a heavy export duty on export of cotton, with the result that there cannot be any loss to Government.

INDIAN INTERESTS IN TIBET (NEGOTIATIONS WITH CHINA)

*1424. **Prof. S. N. Mishra:** Will the Prime Minister be pleased to state:

(a) whether negotiations have been conducted on diplomatic level with the Peking Government for safeguarding the Indian political, cultural and commercial interests in Tibet as suggested in the last correspondence of the Peking Government; and

(b) if so, the results thereof?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). There has been no interference with our interests in Tibet and there is, therefore, no occasion to start any negotiations.

Prof. S. N. Mishra: May I know, Sir, what is the diplomatic practice at the present moment—whether we carry on diplomatic negotiations both with Dalai Lama and the Peking Government for the protection of Indian interests?

The Prime Minister (Shri Jawaharlal Nehru): The question is not quite clear to me, but I will endeavour to answer it nevertheless. I do not quite know what the hon. Member means. We have had an Agent in Lhasa; he is there. He deals with any problem that arises in Lhasa. There are not many problems—very few. He keeps us informed and we keep him informed when any question arises.

Prof. S. N. Mishra: May I know whether any of our political or commercial representatives is stationed

in any part of Tibet which is under occupation of the Chinese at the present moment?

Shri Jawaharlal Nehru: No, Sir.

Prof. Ranga: What is the position, Sir, of the capital city of Lhasa itself? Has it passed into the hands of the Chinese or is it still in the hands of the Tibetans?

Shri Jawaharlal Nehru: What the internal position is I cannot say—I mean the internal changes. But it continues as before. I think I made it clear on a previous occasion that the advance of any Chinese force was limited round about the border and, in fact, took place largely through a territory about which there was certain argument as to whether it belonged to China proper or to Tibet proper. They advanced there many months ago and since then there has been no major advance anywhere.

Mr. Speaker: I think it is better we do not go into much details over this question.

TRAINING CENTRE FOR DISPLACED PERSONS IN DEOLI

*1425. **Shri Sidhva:** (a) Will the Minister of Rehabilitation be pleased to state whether displaced persons residing in Deoli camp have made a representation that a Training Centre be opened for them in Bairagarh?

(b) If so, what steps have Government taken in this direction?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) A Training and Work Centre was started originally at Bairagarh but since all available accommodation was required for residential purposes by displaced persons coming from Deoli Camp, the Centre was shifted to Gandhinagar, six miles from Bairagarh. It is proposed to transfer the Centre back to Bairagarh as soon as accommodation becomes available.

Shri Sidhva: How many of the refugees who have gone from Deoli to Bairagarh or Bhopal have been able to start their own business with the assistance that Government gave? In the case of those who have not been able to rehabilitate themselves do Government intend to give any help until they are able to stand on their legs?

Shri A. P. Jain: May I submit to the Chair that this question does not arise out of the main question which relates only to the work centre?

Mr. Speaker: I have no idea about the contents of the representation which is referred to here. If the point raised by the hon. Member is referred to in the representation, the question will be relevant; not otherwise.

Shri A. P. Jain: So far as I can say from memory the representation related only to training centre.

Mr. Speaker: Then, of course, the question will not arise.

Shri Sidhva: Will the hon. Minister kindly read the representation, a copy of which I have with me now?

Mr. Speaker: He may refer it to me and table another question. That will save the time of the House.

Shri Sidhva: But that will deny me the opportunity of putting supplementary questions.

What was the amount given to these refugees before they were sent to this place?

Shri A. P. Jain: When they are transferred from one camp to another, ordinarily no amounts are given during the time of transfer except what is spent on the railway fare. I do not know what particular amount the hon. Member has in mind; but I cannot imagine that any money would be paid to them merely because they are transferred from one camp to another.

Shri Sidhva: Was it not a fact that Rs. 300 were given to each family when they were in Deoli which they spent away and when they were sent to Bhopal they had no money?

Shri A. P. Jain: Maybe they may have been advanced. There are so many camps and so many refugees that I cannot remember what amount was advanced to one set of refugees in a particular place.

Pandit Munishwar Datt Upadhyay: Why was it considered desirable to remove the camp from Deoli to Baira-garh?

Shri A. P. Jain: Many of the big camps had to be broken for the purpose of rehabilitation, an object for the achievement of which this Ministry has been created.

LAND FOR DISPLACED PERSONS IN BHOPAL

*1426. **Shri Sidhva:** Will the Minister of Rehabilitation be pleased to state how many acres of cultivable land are available in Bhopal for rehabilitation of displaced persons?

The Minister of State for Rehabilitation (Shri A. P. Jain): In addition to

8,055 acres of land which has already been allotted to displaced persons, large areas of waste land in Bhopal are being reclaimed by the Ministry of Agriculture. The exact area of reclaimed land which will be made available for the rehabilitation of displaced persons is not known at present.

Shri Sidhva: May I know, Sir, the total acreage of waste land now under cultivation?

Shri A. P. Jain: That question should be addressed to the Agricultural Ministry.

Shri Sidhva: May I know whether a request has been made by these persons that they should be given 25 acres of land, with a well dug up by the Rehabilitation Ministry for every 100 acres? If so, do they intend to agree to the proposal?

Shri A. P. Jain: Sir, the Rehabilitation Ministry has prescribed the scale of assistance which is made available to a refugee family which settles down in rural areas. It comes to about Rs. 1,000 and that is the amount that we are paying. Of course, so far as area of land is concerned, perhaps 50 acres or 100 acres would be more welcome than 25 acres if it can be made available. But at the moment the area which is allotted to a family is between 10 and 15 acres.

Sardar B. S. Man: Is the land reclaimed by the C.T.O. through tractors allotted to refugees, or is it allowed to relapse?

Shri A. P. Jain: To the best of my knowledge, no land has been allowed to relapse. Some land is expected to be reclaimed before the next agricultural season, but there are the claims of various Ministries and various persons and I do not know what acreage we shall be able to get.

ठाकुर लाल सिंह : बहुत से इलाक़े जहाँ यह नई ज़मीन तोड़ी गयी है, वहाँ जंगली जानवर बहुत क्वाबा हैं, जो डी० पी० बहाँ आबाद किये गये हैं वह ऐसी ज़मीन के बादी नहीं हैं। ऐसी हालत में क्या मिनिस्टरी यह जानती है कि जो रुपया ऐसे डी० पी० को वहाँ खेती करने को दिया गया है, वह बरबाद तो नहीं होगा ?

[Thakur Lal Singh: In many areas where virgin land has been reclaimed, far too many wild animals are found. The displaced persons settled there are

not habituated to this kind of land. Under the circumstances is the Ministry aware of the fact if those sums disbursed to the displaced persons there for agricultural purposes will not prove to be an utter waste?]

Mr. Speaker: Order, order. He is carrying on an argument.

Pandit Munishwar Datt Upadhyay: May I know, Sir, whether there is any land spare from the local cultivators to be allotted to others?

Shri A. P. Jain: This land is spare from the local cultivators and that is why it is being allotted.

Ch. Ranbir Singh: May I know whether the land that has been allotted to the refugees is already under cultivation?

Shri A. P. Jain: Yes. Land has been allotted to 595 families and they are cultivating the land.

कैथनी जी - इस - مسافر - कुली
 595 कुली परिवारों पर बसायी जा
 चुकी हैं -

[**Giani G. S. Musafir:** How many refugee families have been settled there?]

कुली 595 परिवारों को बसाया जा
 चुकी है।

[**Shri A. P. Jain:** 595 families have been settled there.]

कैथनी जी - इस - مسافر - ओर
 भी कुली बसाये -

[**Giani G. S. Musafir:** Is there any further scope?]

कुली 595 परिवारों को इसके बारे में मैं
 जवाब दे चुका हूँ। और जमीन वहाँ तोड़ी
 जा रही है और उस में मुस्लिम लोगों
 की मांग है, तो उसमें भी मुझको कुछ जमीन
 मिलेगी और फिर और बसाये जायेंगे।

[**Shri A. P. Jain:** I have already replied to that effect. More land is being reclaimed and many other people also have put in their demands. This Ministry will also be given a part of that land and then more families will be settled there.]

MODERN HOTEL FOR DELHI

*1427. **Shri Sidhva.** (a) Will the Minister of Works, Production and Supply be pleased to state whether the proposal for a Modern Hotel to be built in Delhi by a private owner has materialised?

(b) What are the conditions for the construction of the hotel?

The Deputy Minister of Works, Production and Supply (**Shri Buragohain**): (a) and (b). Negotiations with Messrs. East India Hotels Limited are expected to be completed very shortly and the conditions for the construction of the Hotel will be placed before the House, if so desired, as soon as the lease agreement is signed.

Shri Sidhva: What are the conditions under which this lease would be given?

The Minister of Works, Production and Supply (**Shri Gadgil**): As stated in the answer, Sir, the conditions are still under consideration and when the consideration is complete and the contract is entered into, and as stated in the reply, the conditions will be made available to my hon. friend, but if he wants some outline of the same, I am prepared to give it.

Shri Sidhva: I would like to know what is the area that will be given and the specific conditions.

Shri Gadgil: The area is 17 acres. The price is Rs. 45,000 per acre. A time-limit is fixed within which the construction must be commenced and completed. There is a penalty clause. If the party sells it within 20 years, then the entire unearned increment is taken over by the Government and if the party sells after 20 years, 80 per cent. is to be taken over by the Government.

Shri Sidhva: What is the period for the completion of this Hotel?

Shri Gadgil: It has got to be begun before the 30th June 1951 and completed before the 30th June 1954.

सेठ गोविन्द दास : क्या इसके लिये कोई
 टेन्डर मांगा गया था या सीधे प्राइवेट फर्म
 के साथ बातचीत की गई थी ?

[**Seth Govind Das:** Were any tenders invited for this purpose or direct negotiations were held with that private firm?]

श्री गडगिल : मैं इसमें यह कहना चाहता
 हूँ कि पहले जिस स्थान पर होटल बनाने

की योजना थी, उस वक्त टेन्डर मांगा गया था, लेकिन वह क्षेत्र बड़ा छोटा मालूम हुआ, क्योंकि वहां सिर्फ तीन एकड़ जगह दे सकते थे, फिर यह सोचा गया कि होटल बड़ा होना चाहिये और उस के लिये क्षेत्र भी बड़ा होना चाहिये, तो उसके लिये कृष्णनगर में उनको १७ एकड़ जगह दी गई है।

[Shri Gadgil: In this connection I have to say that tenders were invited in respect of the previous site on which this hotel was first proposed to be constructed. But later on that site was found to be too inadequate for the purpose as only 3 acres of land could be allotted there. Afterwards it was decided that the hotel should be a bigger one and, as such, should cover a larger area. They were, therefore, given 17 acres of land in Krishna-nagar.]

सेठ गोविन्द दास : उस १७ एकड़ के लिये कोई टेन्डर मांगा गया था ?

[Seth Govind Das: Were any tenders invited for those 17 acres?]

श्री गडगिल : टेन्डर नहीं मांगा गया था, किन्तु उनका टेन्डर प्राइवेट निगोशियेशन के बाद मंजूर हो गया है, तय हो गया है।

[Shri Gadgil: No tenders were invited, but after private negotiations their tender has been accepted.]

Shri Tyagi: Is this the general policy of the Works, Production and Supply Ministry in the matter of construction of all big buildings?

Mr. Speaker: What is the general policy he is referring to?

Shri Tyagi: Is that now the general policy which is being adopted by Government in the matter of constructing laboratories and important buildings of the State? (Interruption).

Mr. Speaker: Order, order.

Shri Gadgil: The answer is because of the various diplomatic missions coming over here in order to accommodate their staff and distinguished visitors coming from abroad, there was a clear necessity to have a big hotel and this hotel is subject to the condition that at any time we can requisition 20 per cent. of this accommodation and 10 per cent. rebate on the rate may be available at any time.

Shri T. Husain: Since this hotel is going to be located in the area where

the diplomatic Corps building will be, if prohibition is introduced in Delhi, will it apply to this Hotel also?

Mr. Speaker: Order, order.

Prof. Ranga: Why is it that the price set for this land is fixed so low as Rs. 45,000 or something like that when as high a price as Rs. 1,50,000 per acre is being insisted upon for other sites in Delhi?

Shri Gadgil: The other sites are governed by other considerations.

Prof. Ranga: What are those considerations? That does not help at all.

Mr. Speaker: It is a matter of great detail.

Shri Gadgil: Because 17 acres are being granted to them.

Mr. Speaker: It all depends upon the situation of the land, the surroundings of the land, the prices round-about.

Prof. Ranga: Therefore it is that the W.M.P. Ministry is dependent upon the Chair for the answer.

Shri Sidhva: May I know the total number of rooms that will be constructed?

Shri Gadgil: I understand it is round-about 600.

Pandit Balkrishna Sharma: May I know if the hon. Minister contemplates to have these conditions of the contract being examined by the Finance Committee?

Shri Gadgil: The normal procedure will be followed, Sir.

PABNA SATSANGH ASHRAM

*1428. Dr. Ram Subhag Singh: Will the Prime Minister be pleased to state:

(a) the year in which the inmates of Pabna Satsangh Ashram migrated to India;

(b) the estimated value of the properties of that Ashram left behind in East Bengal; and

(c) whether the Press of that Ashram has been removed to Dacca by the East Bengal authorities?

The Deputy Minister of External Affairs (Dr. Kestor): (a) In 1947.

(b) Government have no means of estimating the value of these properties, but the Vice President of the Pabna Satsangh has stated that the estimated value of all the properties comes up to Rs. 1,48,56,000.

(c) Yes. The East Bengal Government has agreed to pay a compensation of Rs. 1,32,450 for this purpose.

This sum, however, has not so far been paid.

Dr. Ram Subhag Singh: May I know, Sir, when the Press was removed from Pabna to Dacca?

Dr. Keskar: I think, somewhere in 1948. I cannot give the exact date.

Dr. Ram Subhag Singh: Is it a fact that the Government of West Bengal had asked the Government of East Bengal to withhold the requisitioning of the Press and other property until the matter was discussed in the Chief Secretaries Conference?

Dr. Keskar: I am not aware of the point raised by my hon. friend whether the Government of West Bengal had asked them not to requisition that Press, but I can say that the Government of West Bengal has been in correspondence with regard to the requisitioning of this Press with the Government of East Bengal.

Dr. Ram Subhag Singh: May I know how long will it take to realize the compensation amount from the East Bengal Government?

Dr. Keskar: Negotiations have been going on for some time. It is not possible for me to say when they will terminate. The East Bengal Government have in their last letter in November 1950 given an assurance that the compensation will soon be paid.

Shri A. C. Guha: Is it true that the property belonged to a religious institution with some temples inside it?

Dr. Keskar: Yes, that is true.

Shri A. C. Guha: Has there been no condition in the Delhi Pact or in any other agreement with the Pakistan Government regarding the handling of religious property?

Dr. Keskar: Yes.

Shri A. C. Guha: What has happened to the temple and other properties left there?

Dr. Keskar: I am not able to answer this question, as I have not got the information here.

Shri A. C. Guha: Will Government please enquire how the temple and other properties belonging to that religious institution are being maintained now?

Mr. Speaker: Order, order.

Shri Syamaandan Sahaya: Is it proposed by the Government of India to advance a sum to the Pabna Satsang in anticipation of the payment by the Pakistan Government in view of the Satsang being a public institution?

Dr. Keskar: No, Sir, there is no such proposal.

Dr. Ram Subhag Singh: Is it a fact that the temple inside the Ashram has been demolished?

Dr. Keskar: I do not think so. The properties are intact and with regard to the point referred to by my hon. friend, I will certainly try to find out what has happened to that temple.

Mr. Speaker: Let us go to the next question.

IMPORT OF CLOTH AND YARN

*1429. **Pandit M. B. Bhargava:** Will the Minister of Commerce and Industry be pleased to state the total quantity and value of yarn and cloth—fine and superfine—imported into India from the Dollar and Sterling regions during the year 1950?

The Minister of Commerce and Industry (Shri Mahtab): A Statement is placed on the Table of the House.

STATEMENT

	Cotton twist and yarn		Cotton piecegoods	
	Quantity	Value	Quantity	Value
	lbs.	Rs.	yds.	Rs.
From Dollar Area	997	943	41,703	95,385
From Sterling Area	161,402	6,12,146	4,928,968	1,04,65,208

Pandit M. B. Bhargava: May I know what portion of the imported yarn was for the handloom industry and what portion for the mill industry?

Shri Mahtab: I think a major portion, which was imported in the beginning of 1950 was for the handloom industry. Since then, no import has been made.

Pandit M. B. Bhargava: Has any target been fixed for the import of cloth and yarn during the year 1951?

Shri Mahtab: No target has been fixed. As I told you, import has practically been stopped. The last import was in the beginning of 1950.

Prof. Raaga: Will any effort be made to increase yarn imports in view of the fact that the black-market price of yarn prevailing in most parts of India is twice as much as your so-called controlled price?

Shri Mahtab: That may be; but even that price is much lower than the price which is obtaining abroad.

Pandit M. B. Bhargava: What was the nature of the cloth imported during the year 1950 and may I know whether such cloth is available in India or not?

Shri Mahtab: That cloth was of special varieties which were not then manufactured in India, as for instance, umbrella cloth. Also, there are other varieties of cloth which are not manufactured here in India. It is now being studied whether we can completely stop the import of cloth.

Shri Jhunjhunwala: Arising out of the answer that the import of yarn and cloth has been stopped, is it not a fact that artificial silk yarn is being imported?

Shri Mahtab: The import of yarn and this particular type of cloth has not been stopped by any order.

Shri Jhunjhunwala: Is it the policy of the Government to allow imports?

Shri Mahtab: The policy of the Government is to import whatever will be necessary for the local industries here, as for instance, yarn for handlooms. If it is found that imported yarn can be used by the handloom weavers profitably, then, import of yarn will be allowed. That is the policy.

Dr. Deshmukh: Is it a fact that at least a portion of the imported cloth is what has been exported from India, that is, re-imported after some processing?

Shri Mahtab: That is not possible. The kind of cloth which is imported is not manufactured here.

WOOLLEN CLOTH

*1430. **Pandit M. B. Bhargava:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total yardage and value of woollen cloth and yarn imported into India from the soft and hard currency areas during the years 1948, 1949 and 1950;

(b) the total yardage and value of woollen cloth and yarn exported out of India to the hard and soft currency areas;

(c) the total number and value of carpets, rugs, blankets, shawls, lohees etc. manufactured in India by the Mills and factories and by cottage and handloom industry;

(d) the total number and value of these articles exported out of India to the hard and soft currency areas; and

(e) the total value and number of rugs, blankets, shawls etc., imported into India during the above three years from soft and hard currency areas?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a), (b), (d) and (e). A statement is placed on the Table of the House. [See Appendix XI, annexure No. 26.]

As regards part (c), the information is being collected and will be placed on the Table of the House in due course.

Pandit M. B. Bhargava: What portion of the export was from cottage industries and what portion from the mill industry?

Shri Karmarkar: I am afraid it will be difficult to find it out; but I shall try.

Thakur Krishna Singh: Is it a fact that the price of wool imported from Australia has risen?

Shri Karmarkar: That is a fact.

Thakur Krishna Singh: What effect will it have on the woollen goods in India and what steps are Government taking to keep down the prices in future?

Shri Karmarkar: I am afraid it will not be possible to keep down prices when the imported wool is higher in price.

MAINTENANCE OF OLD DISPLACED PERSONS

*1431. **Shri S. C. Samanta:** Will the Minister of Rehabilitation be pleased to state:

(a) whether the Special Committee set up for considering the responsibility of the Government of India for the maintenance and care of the old, the infirm unattached women, their dependants and children etc., has submitted its report;

(b) if so, their recommendations; and

(c) if not, when they are expected to submit their report?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) A copy of the report of the Committee is laid on the Table of the House. [See Appendix XI, annexure No. 27.]

(c) Does not arise.

Shri S. C. Samanta: May I know whether these recommendations have been considered by the Rehabilitation Ministry and what action has been taken on them?

Shri A. P. Jain: On some of these recommendations, action has already been taken; on others action will be taken.

Shri S. C. Samanta: With reference to item IV in the statement supplied, may I know whether the difference in the allowances given to the members living inside the homes and outside homes has been considered; that is Rs. 50 is allowed in the case of families living outside the homes and Rs. 75 in the case of families living inside the homes?

Shri A. P. Jain: Broadly speaking, I would like to state that all these recommendations were referred to a committee appointed during the Conference of the Rehabilitation Ministers of States. That Committee made a very important additional recommendation namely the setting up of an Advisory Body. That Advisory Body has been constituted. A resolution on behalf of this Ministry may have been published or may be in the course of being published. All these recommendations will then be referred to that Advisory Body and after ascertaining their opinion, the Ministry will take a decision on this matter.

Shri S. C. Samanta: Is it true that in fixing allowances, the proportionate income which would have accrued from their properties in Pakistan has been taken into consideration?

Shri A. P. Jain: This scheme does not relate to maintenance allowance at all. Here, this scheme relates to destitute persons who are mostly in camps, and to some to whom allowance is being given though they are not living in the camps.

Shri S. C. Samanta: With reference to items VIII and IX, it is stated that Shrimati Rameshwari Nehru has been asked to convene a meeting to evolve schemes for the gainful employment and education of these unattached persons and children. Has it been done?

Shri A. P. Jain: We have not received any report from Shrimati Rameshwari Nehru. Nonetheless, we have appointed a special officer who is going round and trying to organise Work Centres and Training Centres in the different homes.

BUTTER (IMPORTS)

*1432. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) the average annual quantity of butter imported into India during the last five years;

(b) the countries from which butter was imported during the said period;

(c) which of the States in India

consumed most of the imported butter; and

(d) what is the trend of demand this year?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The average annual import of butter during the last five years (i.e. from 1945-45 to 1949-50) amounted to 8552 maunds.

(b) During those years butter was imported mainly from Australia and New Zealand. Small quantities were also imported from the United Kingdom, United States of America, Denmark, Norway, Pakistan, and Netherland.

(c) This information is not available.

(d) The present annual indigenous production amounts to about 16 lakh maunds and the imports during the year 1949-50 amounted to 17,530 maunds. The total of indigenous production and import may be considered to represent roughly the trend of the present demand.

Shri S. C. Samanta: May I know the variation in the prices of butter imported from Australia and New Zealand?

Shri Karmarkar: I think I have not got the figures ready; I can supply them to the hon. Member.

Shri Kamath: Is there any information to show how much butter is consumed per capita and how much is used for other purposes such as lubrication?

Shri Karmarkar: Government have information that butter is consumed for eating; but about lubrication, I shall try to find out and inform the hon. Member.

Mr. Speaker: Next question.

CHINESE INVASION OF TIBET

*1433. **Shri Deshbandhu Gupta:** Will the Prime Minister be pleased to state how far Chinese forces have advanced into Tibet?

The Deputy Minister of External Affairs (Dr. Keskar): There has been no change since the reply given to Question No. 43 on the 15th November, 1950.

Shri Chalhha: May I know whether the Chinese soldiers have come up to Rema and Woolung in the North Eastern frontier, whether that is known to the Government, and whether they have withdrawn from that area?

Dr. Keskar: If my hon. friend had listened to the reply given in November,

1950, it was stated then, that according to our information Chinese troops had entered the easternmost province of Tibet. It is in that area that our frontier town of Rema lies. It is quite natural that some Chinese soldiers should contact our frontier there.

Shri Deshbandhu Gupta: May I know whether the advance has been stopped by the Tibetan resistance or due to any other reason?

Dr. Keskar: We have no definite information. But, from the facts it looks as though the advance or further penetration of Chinese has stopped. We ourselves have no definite information.

Shri Sidhva: What is the distance of our border from the town that the Chinese have occupied?

Dr. Keskar: We said that they occupied the whole of one province—the eastern-most province—of Tibet. It is very difficult to say what is the point occupied by the Chinese.

Shri Sidhva: What is the distance between our border and the territory occupied by the Chinese?

Dr. Keskar: It is not a question of any border. The whole province was occupied.

Shri Chalhha: Is it not a fact that Rema was in our jurisdiction and that some Chinese soldiers have occupied it within the last few months?

Dr. Keskar: No. I don't think that information is correct. The fact is certain Chinese soldiers did penetrate into our territory on the border. But it is not certain whether they were aware of the fact that that was our territory. Whatever Chinese soldiers did come have now quitted our territory.

Shri B. R. Bhaḡat: Sir, where is the Chinese army nearest our border?

Dr. Keskar: We have no definite information.

Shri A. B. Gurung: Is it not a fact that as a result of the invasion of Tibet by China, there has been a large influx of Tibetans into Indian territory. If so, may I know what steps the Government propose to stop this influx?

Dr. Keskar: There is no doubt that the number of Tibetans coming from Tibet to India has increased due to the present uncertain conditions in Tibet. Government have not taken any particular steps to stop that. But as the hon. House has been informed before, Tibetans are now treated as foreigners in India and

every Tibetan has to register himself so that his movements may be followed by Government.

BICYCLE FACTORY IN MADRAS

*1434. **Shri R. Velayudhan:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government are aware that a bicycle factory is being set up in Madras?

(b) If so, when will the factory begin production of bicycles?

The Minister of Commerce and Industry (Shri Mahtab): (a) The answer is in the affirmative.

(b) The factory is expected to start assembly and progressive manufacture of bicycles by the end of 1951.

Shri R. Velayudhan: May I know what is the share of the Government in this factory? What is their contribution?

Shri Mahtab: We have not contributed anything.

Shri Syamaandan Sahaya: Are government aware that this cycle factory has been started in collaboration with a factory in England?

Shri Mahtab: Yes.

Shri Syamaandan Sahaya: Will Government please state what is the share of the British firm in this Indian Cycle factory?

Shri Mahtab: Last time when I visited Madras, I personally made investigations into this matter and I visited this factory. In fact, besides giving the "know-how" and technical advice, the British company has no larger financial interest in this factory.

Shri Syamaandan Sahaya: May I know, Sir, if this factory is going to be only an assembling factory for assembling the parts made in England and imported into India, or is the factory going to manufacture its own parts and assemble its own cycles?

Shri Mahtab: I can let the House know briefly the details of the terms of agreement between the Indian firm and the British firm.

Messrs. Tube Investments, India Limited were permitted in November 1949 to set up a factory in Madras for the manufacture of Hercules bicycles in collaboration with Messrs. Tube Investments Ltd., Birmingham. Their authorised capital is Rs. 50 lakhs and Shri Ramaswami Mudaliar is the Chairman of the Board of Directors. The foreign firm will contribute 49 per cent. of the capital. They will provide

the technical "know-how" and also adequate facilities for comprehensive training of Indian personnel in their factory in the U.K. According to the letter of the sanction, the assembly and progressive manufacture of cycles will be completed in two years.

Shri Syamaandan Sahaya: Are Government aware that the Ministry of Industry and Supply had assured Indian manufacturers that parts manufactured in India will not be imported even for the purpose of assembling the parts in these cycle companies?

Shri Mahtab: That does not conflict with what is being done here. I don't catch the point of the hon. Member.

Shri Syamaandan Sahaya: The point is this.....

Mr. Speaker: That will be an argument. He may ask for information.

Shri Syamaandan Sahaya: Is it not a fact that the Government of India had assured the existing entirely indigenous companies that cycle parts manufactured by them will not be imported even by those companies for the purpose of their own cycles and that they should use only Indian made parts for the assembly?

Shri Mahtab: I do not know about that, but one thing I know and that is that some of the indigenous manufacturers are importing parts which are manufactured in India?

Shri R. Velayudhan: When he visited the factory in Madras, the hon. Minister in a party said that he was interested in the manufacture of the cycles. In view of that, may I know what help he is going to give to this factory?

Shri Mahtab: I could not follow the question, Sir.

Mr. Speaker: The question is, what help the hon. Minister is going to give to this factory in view of the fact that when he visited it he said that he was interested in the manufacture of cycles.

Shri Mahtab: Well, our help is there, our appreciation, our encouragement and everything following from that.

BRITISH EVACUATION OF SUEZ CANAL AREA

*1435. **Shri Brajeshwar Prasad:** Will the Prime Minister be pleased to state whether it is a fact that when questioned by an Egyptian reporter in England on the 3rd January, 1951, regarding India's attitude on the Egyptian demand for the evacuation of the

British troops from the Suez Canal area he said "but in the case of war it is unavoidable that troops should be stationed to safeguard lines of communication and strengthen defence"?

The Deputy Minister of External Affairs (Dr. Keskar): The report referred to is incorrect. Some members of the press met the Prime Minister at mid-night at the Cairo aerodrome while he was on his way to England. Among other questions a question was asked about the Egyptian demand for the evacuation of British troops. The Prime Minister said in reply that foreign troops should as a matter of principle, be removed wherever they might be. He added that probably the critical international situation was coming in the way of the United Kingdom agreeing to this proposal.

Shri B. R. Bhagat: May I know whether there has been correspondence between the Government of Egypt and India and other Asian countries over the question of the withdrawal of British troops from Egypt?

Dr. Keskar: No, Sir.

Shri Joachim Alva: Is it not a fact that India morally supports the Egyptian case cent per cent for the evacuation of British troops from Suez and that the British troops were stationed there on account of the British subjugation of India?

Dr. Keskar: I do not know about the moral support; but the reply of the Prime Minister was that as a matter of principle, foreign troops should be removed from wherever they are. The reply showed that the Prime Minister was not trying in this particular question, to judge the issues because he is not involved either on the side of Egypt or on the side of England. The probable reason, he said, for the difficulties in their removal is the present international situation.

Shri Joachim Alva: Sir.....

Mr. Speaker: The question hour is over.

WRITTEN ANSWERS TO QUESTIONS

ADVISORY AND CONSULTATIVE BODIES

*1436. **Shri Krishnanand Rai:** Will the Minister of Commerce and Industry be pleased to state how many Advisory or Consultative Committees, Councils or Bodies exist at present to advise the Government of India on problems of industrial production and development in the country?

The Minister of Commerce and Industry (Shri Mahtab): A statement is

laid on the Table of the House. [See Appendix XI, annexure No. 28.]

TRANSFERS OF EVACUEE PROPERTY

*1437. **Pandit Balkrishna Sharma:** Will the Minister of Rehabilitation be pleased to state the number of cases of transfers of evacuee property, effected subsequent to 26th January, 1948 and pending confirmation and the value of the property involved in them?

The Minister of State for Rehabilitation (Shri A.P. Jain): The information is not readily available.

CASES BEFORE CUSTODIANS

*1438. **Pandit Balkrishna Sharma:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of cases, original as well as reviews, revisions and appeals under various sections of the Evacuee Laws pending before the Assistant Custodians, the Deputy Custodians, the Authorised Deputy Custodians and the Custodians in the years 1947, 1948, 1949 and 1950 instituted under each provision of Evacuee Laws separately; and

(b) how many of the cases in 1950 were brought over from the years 1947, 1948 and 1949?

The Minister of State for Rehabilitation (Shri A.P. Jain) (a) and (b). The amount of time and labour involved in the collection of the statistics will not be commensurate with the result achieved.

EVACUEE PROPERTY COMMITTEES

*1439. **Shri R. L. Malviya:** (a) Will the Minister of Rehabilitation be pleased to state whether it is a fact that the Governments of India and Pakistan had proposed to set up the Evacuee Property Committees in both the countries?

(b) If so, have any Committees been set up and if so, at which places?

(c) What were the objects of setting up these Committees?

(d) How many claims have so far been settled by each of the Committees and of how much value in terms of money?

The Minister of State for Rehabilitation (Shri A.P. Jain): (a) to (d): A statement is laid on the Table of the House. [See Appendix XI, annexure No. 29]

YARN REQUIREMENTS OF STATES

*1440. **Shri Ghule:** (a) Will the Minister of Commerce and Industry be

pleased to state whether estimates from the State Governments about their average requirements of yarn have been received by the Government of India?

(b) If so, what are they State-wise?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). The State Governments have already been circularised to intimate their yarn requirements for handloom and other industries, so that yarn quotas may be fixed for each State on the basis of the availability of yarn and the estimates of requirements furnished by it. The quotas fixed for various States on the basis of their requirements during the peak production year 1948 and on the basis of which the present yarn allocations are made are given in the Statement attached.

STATEMENT

S. No.	State	Monthly quota w. e. f. Dec. '48
(1)	Ajmer-Merwara	120
(2)	Assam	1355
(3)	Bengal (West)	5285
(4)	Bhopal	95
(5)	Bihar	4835
(6)	Bombay	10685
(7)	Cooch-Bihar	80
(8)	Coorg	25
(9)	Kutch	90
(10)	Delhi	590
(11)	Himachal Pradesh	60
(12)	Hyderabad	3865
(13)	Jammu & Kashmir	480
(14)	Madhya Bharat	590
(15)	Madhya Pradesh	4790
(16)	Madras	22500
(17)	Manipur	125
(18)	Mysore	1480
(19)	Orissa	3710
(20)	P. E. P. S. U.	385
(21)	Punjab	2435
(22)	Sikkim	15
(23)	Sirohi	15
(24)	Tripura	90
(25)	Uttar Pradesh	10510
(26)	Rajasthan	1265
(27)	Saurashtra	850
(28)	Travancore & Cochin	1955
(29)	Vindhya Pradesh (Maha-Yanam etc.)	395
Total		78975

DEVELOPMENT COMMITTEE ON INDUSTRIES

*1441. **Shri Munnavalli:** (a) Will the Minister of Commerce and Industry be

pleased to state what are the recommendations of the Development Committee on Industries?

(b) Which of those recommendations have been accepted by Government?

(c) Is it a fact that Government propose to set up Industrial panels to advise Government?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). The only recommendation made by the Development Committee on Industries was about the formation of Industrial Panels. Government have accepted the recommendation and Panels have been formed for the Heavy Engineering, Light Engineering, Chemicals, Pharmaceutical, Ferrous and Non-ferrous Metals Industries. The terms of reference given to the Panels are indicated in the note of which a copy is placed on the Table of the House. [See Appendix XI, annexure No. 30].

INDIANS IN SOUTH AFRICA

*1442. Seth Govind Das: Will the Prime Minister be pleased to state what is the latest position with regard to political rights of Indians settled in South Africa?

The Deputy Minister of External Affairs (Dr. Keskar): Indians settled in the Union of South Africa 90 per cent. of whom are Union citizens hardly enjoy any political rights in that country. They cannot stand for election to municipal or Provincial Council in the Provinces of Natal, Transvaal and the Orange Free State. They do not possess any right of vote. In Cape Province they have the right to vote for the Provincial Council as well as for the Union Parliament, but they cannot stand for election. Franchise Qualifications are also higher for persons of Indian origin than for Europeans, and are confined only to men.

The Asiatic Land Tenure and Indian Representation Act of 1946 provided for limited Indian representation by Europeans in the South African Parliament and by Indians in the Natal Provincial Council. Even these limited rights were abrogated by an amendment of the Act in 1948.

DISPLACED PERSONS IN ANDAMANS

*1443. Seth Govind Das: Will the Minister of Rehabilitation be pleased to state the number of displaced persons settled in Andaman Islands up to date?

The Minister of State for Rehabilitation (Shri A. F. Jain): 961.

GOODWILL MISSION FROM BARISAL

*1444. Shri B. R. Bhagat: Will the Prime Minister be pleased to state:

(a) whether a Goodwill Mission from Barisal (East Bengal) visited West Bengal;

(b) the object of its visit; and

(c) the personnel of the Mission?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes, Sir.

(b) The Mission visited West Bengal with the object of persuading the Hindu refugees, who had migrated from Barisal, to return to their homes in East Bengal.

(c) The Goodwill Mission consisted of the following:

- (i) Sri Satindra Nath Sen, M.L.A. (Leader).
- (ii) Janab Shamsher Ali, Advocate (Convenor).
- (iii) Sri Monoranjan Gupta, M. L. A.
- (iv) Sri Suresh Chandra Gupta (Harijan).
- (v) Janab B. D. Habibullah, Pleader.
- (vi) Sri Upendra Nath Chatterjee (Pleader and Member Minority Board).
- (vii) Janab Amirul Islam, M.A., LL.B.
- (viii) Janab Abdul Majid Khan.
- (ix) Sri Jagat Bandhu Mondal.

EAST AND WEST BENGAL CHIEF SECRETARIES CONFERENCE

*1445. Shri B. R. Bhagat: Will the Prime Minister be pleased to state:

(a) whether a Conference of the Chief Secretaries of East and West Bengal was held in the middle of January 1951;

(b) if so, what were the subjects discussed; and

(c) whether any decision regarding minority boards and customs procedure was taken?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) Among the various subjects discussed at the Conference, the important ones were:

- (i) Evacuee Property Legislation;
- (ii) Establishment of Sub-Divisional Minority Boards;
- (iii) Ejection of refugees from Mosques and shrines;
- (iv) Non-payment by East Bengal of security deposits and provident fund dues to Govern-

ment servants who opted for West Bengal;

- (v) Joint enquiry reports on some old border incidents;
- (vi) Instructions for the guidance of Customs Officers;
- (vii) Return of seized articles; and
- (viii) Division of records and furniture of several offices.

(c) Yes. The progress made in the establishment of Sub-Divisional Minority Boards was reviewed and it was recorded that with two or three exceptions Minority Boards had been formed in all sub-divisions in the two Bengals and had started functioning. As regards Customs procedure, it was agreed that Liaison Officers should remain on duty when migrants and their baggage were being examined by the Customs staff, and that complaints against the Customs staff by a migrant should be preferred on the spot before the Liaison Officer of the country to which he was migrating and in the presence of the senior Customs Officer stationed in that locality.

It was also agreed that:

- (i) Jewellery, which was broken or damaged to such an extent that it was not capable of being used as jewellery would be treated as bullion and prevented from being taken by migrants;
- (ii) that sovereigns and coins which were made into either a necklace, armlet or any other type of ornament should also be treated as bullion;
- (iii) that the mere fact that a migrant was a widow did not disentitle her from carrying her jewellery;
- (iv) that in order to deny any advantage to smugglers, only a limited number of articles such as clocks, watches, fountain pens, etc. would be allowed to be taken by each migrant and further, that motor cars, motor cycles, sewing machines, cameras, etc; acquired subsequent to the 8th April, 1950, would be allowed to be taken only on production of proof that they had been in the possession and use of the migrant for a minimum period of six months before the date of migration.

EXPORT OF TYRES TO HONG KONG

*1446. Shri Kamath: Will the Minister of Commerce and Industry be pleased to state:

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(a) whether it is a fact that an Indian business firm recently exported 14,000 giant tyres, size 34×7, destined for a consignee in Hong Kong;

(b) the purpose for which the tyres were exported;

(c) whether such tyres are needed in India itself for trucks and other large motor vehicles; and

(d) whether the aforesaid export has resulted in shortage of this important type of tyre in our country?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) During the year 1950, about 44,047 giant tyres and 36,695 giant tubes were shipped by manufacturers and 12,500 sets of giant tyres and tubes were shipped by other exporters. These exports went to numerous destinations. I understand that no single licence was granted to any individual exporter for the export of 14,000 giant tyres to Hong Kong.

The export of giant tyres and tubes by manufacturers is allowed freely to permissible destinations, and within fixed quotas by others. Quotas are fixed by the Ministry of Commerce and Industry on the basis of surpluses declared by manufacturers after taking into account all internal requirements. For the year 1950, a total quantity of 20,000 sets of giant tyres and tubes was fixed for export by non-manufacturers.

(b) Surplus tyres are exported to meet the requirements of countries with which we trade, and to earn foreign exchange.

(c) Exports are allowed after fully taking internal requirements into account.

(d) Does not arise

SALT

*1447. Shri Kamraj Jajwari: Will the Minister of Works, Production and Supply be pleased to state:

(a) whether there is any kind of tax or duty levied on salt at present;

(b) why the prices of salt are increasing; and

(c) what steps are being taken by Government to standardise the prices?

The Minister of Works, Production and Supply (Shri Gadgil): (a) No tax or duty is levied on salt; but to meet the cost of establishment and to maintain the common services, a cess of 3½ annas per maund is levied on salt issued from Government factories and 2 annas per maund on salt issued from private factories.

(b) Except for rock salt, there has not been any general increase in the

price of salt since 1948. There may have been an occasional increase in some centres owing to temporary transport difficulties.

(c) All State Governments have been empowered to control the price and distribution of salt, if necessary. A Zonal Scheme of Distribution is in operation with a view to ensure regular and adequate supplies to all parts of the country, and a careful watch is being kept over stocks and prices.

TEA GARDEN LABOUR

*1448. **Shri Ramraj Jajwara:** (a) Will the Minister of Labour be pleased to state what improvements have been made in the conditions of labour employed on the tea gardens since the 15th August, 1947?

(b) Are educational facilities and medical aid freely available to labourers in tea gardens?

The Minister of Labour (Shri Jajivvan Kam): (a) The following improvements have been secured for workers in Tea estates since the 15th August, 1947:

(i) **Wages.**—The Minimum Wages Act, 1948, which provides for fixation, before the 15th March, 1951, of minimum wages *inter alia* for tea workers, was enacted. Necessary action for fixing minimum wages for plantation workers has been undertaken by State Governments.

A few months before the 15th August 1947, on the result of Tripartite Conference held in January 1947, an interim dearness allowance at the rate of 2 annas per day per adult worker and one anna per day per child worker was granted for the plantation workers in North India. The rates of dearness allowance were again increased by agreement at Tripartite meetings in 1948 by 0-3-6 annas per day in the case of adults and 0-3-0 for children for all areas (including South India) except Darjeeling, Cachar and Tripura, where an increase of 0-3-0 and 0-2-0 annas respectively for adults and children was granted.

(ii) **Subsistence allowance on repatriation from Assam.**—Rates of subsistence allowance of As. 6 and 0-3-0 a day allowed respectively to an emigrant adult and a child on repatriation from Assam tea gardens were increased to Rs. 1-8-0 and 0-12-0 a day under the Tea Districts Emigrant Labour Rules, 1933.

(iii) **Housing.**—The Government has been able to persuade a majority of the employing interests in tea industry to provide houses for labour in accordance with the approved

standards for at least 8 per cent. of their labour population every year. The Indian Tea Association has already constructed 8,911 houses according to approved specifications and have a programme to build another 6,558 houses by the end of March, 1951. Other Tea Associations have also constructed houses for their labour but exact figures are not available.

(iv) **Maternity Benefit.**—In October, 1948, a Maternity Benefit (Tea Estates) Act, was passed allowing a maternity leave of 12 weeks at Rs. 5-4-0 per week to women workers in tea estates in West Bengal.

(v) **Education.**—The Bengal (Rural) Primary Education Act, 1930, was introduced in the district of Darjeeling from the 14th April, 1949. The Assam Primary Education Act, 1947, which came into force on the 3rd October, 1947, was introduced in some selected areas of Assam including a number of Tea Districts with effect from the 1st February, 1949.

(vi) **Legislation for Plantation Employees.**—Proposals for legislation regulating conditions of work of Plantation Labour, e.g. hours of work, intervals of rest, annual leave, housing, prohibition of employment of children, medical and educational facilities, creches, sanitary conveniences, sickness and maternity benefits and recreational facilities etc. have been evolved in consultation with the State Governments and after discussions at a number of Tripartite Plantation Conferences. A final decision on this question of legislation is likely to be reached soon.

(b) Free education has been provided for by some of the employers of the larger estates. Adequate medical facilities are also available free to labour particularly on larger tea estates which have made good progress in bringing their existing medical facilities on par with those recommended by Dr. Llyod Jones.

COLONY FOR THE PRESS IN DELHI

*1449. **Shri Kishorimohan Tripathi:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that the Government of India propose to build a special colony in Delhi for the representatives of Indian and foreign press; and

(b) if so, what progress has been made in the matter so far?

The Minister of Works, Production and Supply (Shri Gadgil): (a) There is no proposal for the establishment

of a residential colony in Delhi for the representatives of the Press, but the question whether some residences should be built by the Press Association in a suitable area or by the Government for the use of members of the Press is under consideration.

(b) Does not arise.

COAL (IMPORT)

*1450. Shri Kishorimehan Tripathi: (a) Will the Minister of Commerce and Industry be pleased to state what grades of coal, if any, are imported into India?

(b) What is the annual value of such imports?

(c) What are the purposes for which such coal is imported?

(d) Is such coal not available in India?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). Coal is not normally imported into India at all. On the other hand, India exports coal.

(c) and (d). No definite information is available regarding any particular purpose for which the coal is imported. It is possible that these imports only cover transit trade, coastal trade, or trade between French India or Portuguese India and India.

LABOUR APPELLATE TRIBUNAL

*1451. Shri Venkataraman: Will the Minister of Labour be pleased to state:

(a) the number of members appointed to the Labour Appellate Tribunal;

(b) the number and location of the Benches of the Appellate Tribunal;

(c) the total cost of the Appellate Tribunal per annum; and

(d) whether and if so, what provision has been made for the publication of the decisions of the Appellate Tribunals?

The Minister of Labour (Shri Jagjivan Ram): (a) Five (including the Chairman).

(b) One at Bombay and one at Calcutta.

(c) The estimated expenditure for the year 1951-52 is Rs. 3,90,000.

(d) Arrangements are being made to publish the decisions of the Tribunal in the Gazette of India. The question of bringing out an official journal on the lines of Indian Law Reports is also under consideration.

ACCIDENTS IN FACTORIES

*1452. Shri Venkataraman: (a) Will the Minister of Labour be pleased to

state the total number of the Industrial accidents in factories in India in the year 1949?

(b) How many were fatal and how many were cases of disablement, temporary or permanent?

(c) What was the total amount of compensation paid under the Workmen's Compensation Act?

(d) Was any compensation not collected owing to the inability of the employer to pay and if so, in how many cases and what was the total amount?

The Minister of Labour (Shri Jagjivan Ram): (a) to (c). Two statements giving the information available for 1949 are laid on the Table of the House. [See Appendix XI, annexure No. 31].

The statement giving statistics of compensation paid under the Workmen's Compensation Act is wider in scope than the statement relating to accidents, as compensation under the Workmen's Compensation Act is payable not only to workmen in factories but also to workmen in other employments, e.g. mines, railways, plantations, etc. Separate figures of compensation paid for accidents in factories are not available.

(d) No information is available.

EXPORT OF CLOTH

*1454. Dr. Deshmukh: (a) Will the Minister of Commerce and Industry be pleased to state whether any restrictions have been placed upon export of cloth recently?

(b) What is the quantity proposed to be exported from 1st February 1951 to 31st March 1951 and what would be its value?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) A quota of 20 million yards of coarse and medium cloth was earmarked for export to hard currency countries during the first half of 1951. As applications had been received in excess of this quota, it was announced that no more applications would be entertained with effect from 5th January, 1951. Issue of licences for fine and superfine cloth was suspended on 12th January 1951, as large quantities had already been licensed. The export of coarse and medium cloth to soft currency countries will be regulated within an overall quota of 100 million yards for January-June 1951.

(b) Approximately 200 million yards. Its value will be about Rs. 175,000,000.

EXPORT OF GROUNDNUT

*1455. **Shri Sivaprakasam:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have received any objections from any groundnut oil merchants from Madras State to the export of groundnuts; and

(b) whether Government are considering to barter groundnuts with food grains from abroad?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes, Sir.

(b) The matter is under consideration.

IMPORT LICENCES

*1456. **Shri Desgirikar:** Will the Minister of Commerce and Industry be pleased to state whether it is a fact that the import licences are granted only if the applications for such licences are accompanied by a certificate from the Directors of Industries of the States concerned?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): No. Only 'Actual Users' are required to furnish along with their applications, a certificate as to their manufacturing capacity and actual requirements from the Director of Industries of the State in which the factory is located or from the technical officers of the Central Government.

SUPPLY OF JUTE BAGS TO U. N.

*1457. **Shri M. V. Rama Rao:** Will the Prime Minister be pleased to state:

(a) the date on which it was decided to supply free of cost four lakhs jute bags to the United Nations for the transport of forty thousand tons of rice promised by Thailand to South Korea;

(b) the date on which the concurrence of the Finance Minister in his capacity as Chairman of the Standing Finance Committee was obtained for incurring the expenditure necessary for the purchase of these bags;

(c) the dates on which the Standing Committee for the Ministry of External Affairs has met since 1st September, 1950; and

(d) the dates on which the Standing Finance Committee has met since 1st September, 1950?

The Deputy Minister of External Affairs (Dr. Keskar): (a) 30th September, 1950.

(b) 21st November, 1950.

(c) 24th and 30th November, and 13th December, 1950.

(d) 2nd December, 1950.

BOUNDARY DEMARCATION

*1458. **Dr. M. M. Das:** (a) Will the Prime Minister be pleased to state whether it is a fact that the services of a London Air Survey Company have been sought for by the Governments of India and Pakistan to help in the demarcation of boundaries between West Bengal and East Pakistan?

(b) If so, what is the exact nature of work for which the said firm has been invited?

(c) What is the total expenditure for the services of the firm and how is it proposed to be met?

(d) What will be the approximate date when the firm will complete their work?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes, but only for the demarcation of the disputed portion of the boundary between the districts of Murshidabad (West Bengal) and Rajshahi (East Bengal), in accordance with the award of the Bagge Tribunal.

(b) The exact nature of the work entrusted to the firm is as follows:

(i) Aerial photography of approximately 1500 square miles and the supply of contact prints, enlargements and air photo mosaics.

(ii) Duplication of the original negatives of the air photography so that the Governments of India and Pakistan could each hold one set of negatives.

(iii) Preparation of maps from the above aerial photography, of approximately 680 square miles, and the supply of 1,000 copies of each map.

(c) The total expenditure is estimated to be Rs. 4,70,450 which will be shared equally by the Governments of India and Pakistan.

(d) Taking of aerial photographs was completed during January, 1951, but the preparation of printed maps therefrom is expected to be finished only by about March, 1952.

BOUNDARY BETWEEN WEST BENGAL AND EAST PAKISTAN

*1459. **Dr. M. M. Das:** (a) Will the Prime Minister be pleased to state whether it is a fact that steps have been taken by Government to have a well-defined boundary between West Bengal and East Pakistan in places where there is no natural boundary?

(b) Is it a fact that a number of disputes regarding the boundary have arisen and if so, what is their number and what are the means adopted to settle them?

(c) Has this task of demarcating the boundary been taken up already and if so, what is the approximate date when it will be completed?

(d) What is the estimated expenditure for this task?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). The Governments of India and Pakistan have jointly started work on the demarcation of the entire boundary between West Bengal and East Bengal covering a length of 765 miles. The principal dispute was as regards the delimitation of the boundary along a length of 90 miles, between the districts of Murshidabad (West Bengal) and Rajshahi (East Bengal). This was referred to the Bagge Tribunal and the demarcation of this portion of the boundary has been undertaken in accordance with the Award of that Tribunal.

The rest of the boundary is being demarcated jointly by the Survey experts of West Bengal and East Bengal in accordance with the Thana notifications and cadastral survey maps. Till now disputes have arisen in two Mauzas, Joynagar and Bhatupara. In accordance with the Indo-Pakistan Agreement of December 1948 they are to be settled by discussions by the District Magistrates on both sides, and, if they fail to reach agreement, by the Divisional Commissioners.

The demarcation is expected to be completed by March 1953.

(d) India's share of the estimated cost of demarcation, which is 50 per cent. of the total cost, is expected to be Rs. 11,55,750. This will be spread over a period of three years as follows:

1950-51	..	Rs. 3,49,000
1951-52	..	Rs. 4,81,250
1952-53	..	Rs. 3,25,500

TRANSFER OF IMPORT LICENCES

*1460. Dr. M. M. Das: (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that a proposal to make transfer of Import Licences a penal offence is under consideration of Government?

(b) What are the numbers of cases of transfer of import licences reported during each of the years 1949-50 and 1950-51?

(c) Is any action taken at present for discouraging the practice of transfer of import licences?

(d) In what way has the said practice proved to be harmful?

The Deputy Minister of Commerce and Industry (Sbri Karmarkar): (a) Central Government have already issued on the 15th November 1950 an order under Section 3 of the Imports and Exports (Control) Act, 1947 (XVIII of 1947) making transfer and/or acquiring by transfer, of licence a penal offence, except when such transfer is authorized by the licensing authority who originally granted the licence or an officer empowered in this behalf.

(b) Nine unauthorised transfers were detected during the year 1949-50 and 5 such unauthorised transfers have been detected in the current financial year. Separate statistics of authorised transfers of import licences are not maintained and the time and labour involved in collecting the information will not be commensurate with the purpose for which it is required.

(c) Where unauthorised transfers of import licences come to notice, the firms concerned are debarred from getting licences permanently. The question of prosecuting the firms concerned is also examined taking into account the nature of the evidence available.

(d) In certain circumstances the transfer of import licences is not open to any objection and provision exists for the issue of letters authorising such transfers. Attention in this connection is invited to Public Notice No. 51-ITC(P.N.)/50, dated the 10th July 1950, and para. 21(a) of Public Notice No. 150-I.T.C. (P.N.)/50, dated 15th December 1950, copies of which are available in the Library of the House. On the other hand, a person who obtains a licence but does not intend to import himself deprives the genuine importers of the opportunity to import and also increases the cost to the consumer on account of the consideration for which he parts with his licence.

BORDER RAID IN P.E.P.S.U.

*1461. Sardar Sochet Singh: (a) Will the Prime Minister be pleased to state whether it is a fact that a party of seven Pakistanis penetrated nearly twenty miles into the territory of the Indian Union on the evening of the 9th November, 1950, committed three dacoities, killed one woman and injured one man with firearms and tried

to kidnap a girl in village Guddey, P.O. Sultanpur Lodi, in District Kapurthala of P.E.P.S. Union?

(b) If so, what action was or has been taken against the culprits?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). Government of India have no information. A report from the P.E.P.S.U. Government has been called for and this will be placed on the Table of the House as soon as it is received.

SINDRI FACTORY

*1462. **Shri M. P. Mishra:** Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that the Fertilisers Factory at Sindri in the State of Bihar is going to be placed under an autonomous Board?

The Minister of Works, Production and Supply (Shri Gadgil): Yes, Sir; the proposal is to vest the affairs of the Fertiliser Project, Sindri, in a State-owned private limited company.

NEWSPRINT

*1463. **Shri M. P. Mishra:** Will the Minister of Commerce and Industry be pleased to state:

(a) the reasons why there has been so much rise in the prices of newsprint; and

(b) whether the Government of India intend to control the distribution, sale and purchase of newsprint?

The Minister of Commerce and Industry (Shri Mahtab): (a) There is a world shortage of newsprint on account of increased consumption and stock-piling in the U.S.A. and some other countries.

(b) The matter is under consideration.

RUBBER (PRICE)

*1464. **Shri Sivan Pillay:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether a decision to allow an increased interim price for raw rubber was arrived at, at a Conference the hon. Minister had at Madras with the representatives of rubber growers and the Governments of Madras and Travancore-Cochin on the 7th January, 1951; and

(b) if so, the cause of the delay in putting that decision into operation?

The Minister of Commerce and Industry (Shri Mahtab): (a) The question of giving an *ad interim* increase to the price of rubber was fully discussed and *prima facie* the demand of the rubber growers was accepted as legitimate by the Governments of Madras and Travancore and I agree to it.

(b) The delay is due to the time taken in collecting some more materials and then regularising the procedure.

COAL PRODUCTION

98. **Shri E. L. Malviya:** Will the Minister of Works, Production and Supply be pleased to place on the Table of the House a comparative statement showing:

- (i) the annual production of coal in each of the Government Railway Collieries, for three years before the abolition of the Raising Contract System, and thereafter up to date; and
- (ii) the labour strength in each of the collieries during the period mentioned in part (i) above?

The Minister of Works, Production and Supply (Shri Gadgil): (i) and (ii). A statement is laid on the Table of the House. [See Appendix XI, annexure No. 32].

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PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

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

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PARLIAMENT OF INDIA

Wednesday, 14th February, 1951

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A. M.

**PREVENTIVE DETENTION
(AMENDMENT) BILL—contd.**

Mr. Speaker: The House will now proceed with the further consideration of the Preventive Detention (Amendment) Bill. There are two amendments, one by Prof. K. T. Shah for the circulation of the Bill and the other by Mr. Kamath for reference of the Bill to Select Committee.

In this connection, before we proceed further with the discussion I should like to invite the attention of the House to one aspect of the discussion. Hon. Members will be pleased to know that we have been going on with the motion for consideration of the Bill for over two days. Including the discussion day before yesterday we have debated this motion for over 7½ hours, to be exact seven hours and forty-nine minutes. I find from the trend of the discussion that, though the arguments are presented in different language and style, no fresh arguments are coming forward either in support of or against the Bill. The same arguments are repeated over and over again. I can understand the desire of every Member to participate in the debate and if we were to accept the principle that whoever wishes to speak must be given a chance we shall never come to the end of any proposition that comes before the House.

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An Hon. Member: What about the Hindu Code Bill?

Mr. Speaker: What I was suggesting was—it is only a suggestion and the House is entirely free to decide as it likes—that in view of this discussion and also in the absence of any new points coming forth, it is better we fix some time limit up to which we go, since we have debated for nearly eight hours, and then we carry on the motion further.

Some Hon. Members: We all agree.

Some Hon. Members: No, Sir.

Mr. Speaker: If that is not agreed, then there are other remedies.

The Minister of Home Affairs (Shri Rajagopalachari): May I suggest that the House may agree that we go on with the discussion till lunch time today and then I shall sum up after lunch when we resume. Thereafter we shall take up the Bill clause by clause. Therefore, if hon. Members would agree to speak only for five to eight minutes it will give an opportunity to quite a number of people.

Shri Tyagi (Uttar Pradesh): Sir, my suggestion is that on matters like this or on Bills under discussion this practice should not be adopted. If the discussion on the Bill is to cease I should prefer it through the traditional procedure such as moving a motion for closure and the House adopting it. Let us not depart from that procedure. Otherwise it would be a matter of precedent and in the matter of Bills we should not fix any time limit as is done in the case of the Budget debate.

Shri Rajagopalachari: I am afraid Mr. Tyagi has misunderstood the proposal. It is that procedure that we propose to adopt if necessary. I thought that instead of a few Members monopolising the time, it is better to ration it out to each Member. During a scarcity period let us adopt rationing. That is all I suggested.

Several hon. Members rose—

Mr. Speaker: Any time we take over this discussion will be a reduction in the rationing of time. I have made the suggestion only from one point of view. As the Home Minister stated, there are many Members who are anxious to speak and it is not possible to give them an opportunity, unless you fix a time limit. If a motion for closure is moved, in view of what I have stated, it must be clear to every Member that I shall accept it immediately. But the result will be that a large number of speakers will be shut out. If I were to find that new arguments are advanced, matters would be different. I entirely agree that we should have no time limit and it was therefore that hon. Members who have so far taken part in the debate were given the fullest chance. I did not want to exercise any power of the Chair. I left it to the House to decide whether there should be a time limit. If the House desired that there should be no time limit, the other procedure is there. I thought that in order to accommodate all Members who wish to speak it would be better that we fix a time limit and limit the time of the speeches also.

Shri Hanumanthaiya (Mysore): This is a very important Bill which is agitating the whole country. Congressmen and Congress Ministries are attacked throughout the country as being intolerant of criticism. If we curtail speeches it would provide another argument that we are intolerant and dictatorial in our attitude. The usual procedure laid down for the discussion and disposal of Bills must be followed. With great respect I submit that you should certainly exercise your discretion when arguments are repeated, but to shorten discussion or to curtail the privileges of Members to speak would not be right. I for one feel that you should show a little more consideration to the speeches that Members make. It is not only Members but Ministers as well repeat the same arguments. On a matter of this kind arguments are bound to be repeated and I would like to know the person who will argue fresh on every subject that comes before the House. So far as this Bill is concerned it pertains to the liberty of the people on which many feel strongly. There should be no limit to the time and the Bill should be disposed of in the usual course.

Shri Sarangdhar Das (Orissa): Several Bills have been discussed in the House and in the beginning speakers who get the opportunity to speak are given all the latitude and then after

a day or two, when the discussion is being protracted for a long time, you limit the time to ten or fifteen minutes for each speaker. I should think that you should give a decision that on every Bill the time limit will be 10 or 15 or 20 minutes. If that cannot be done, I do not see why towards the end both yourself and the hon. Minister making the motion should try to limit the time.

Mr. Speaker: I do not think we need take any more time of the House. The position is clear to my mind. I want to remove one misapprehension. I believe it arises out of peculiar notions of democracy and freedom of discussions. I agree it is an important Bill and must be discussed threadbare. There is not the least doubt about it but it cannot mean that there should be endless discussion. Therefore, I said that if any new points are made, one could understand. All the possible aspects of the Bill have been discussed threadbare in the earlier speeches, some of them extending over an hour.

Shri Sidhva (Madhya Pradesh): Some Members took two hours.

Mr. Speaker: Maybe and it is wrong to say that it is intolerance if there is a desire to curtail a thing which is not serving any useful purpose. Sitting in the Chair, just as I am bound to extend the liberty of speech to every one who wishes to speak, I am also bound to see that there is no tyranny of the few, who want to make long speeches over the large majority of people who feel a surfeit of the speeches. Therefore, we have to find out a mean. It is not a question of intolerance at all. In fact a discussion for two days continuously was permitted, because the Bill is of that importance. I should earnestly appeal to Members not to come to hasty conclusions. It is not by long discussions that you are going to convince anybody outside or here whether the Bill should be passed or not: it is the quality of the arguments which will weigh. I would, therefore, again repeat that if the House so desires we may have a time limit. If the House does not like it we may have no time limit. Then the other remedies are there. I suggested a general time limit just to satisfy the desire of a large number of Members to speak, a time limit would give them an opportunity of placing some further new points, if they have any, before the House. That was my desire but I do not want to interfere at all by way of putting any limitation either on the general discussion, that

is a time limit for the whole discussion, or on the speeches of individual Members.

Shri Rajagopalachari: After this discussion, will you permit me to suggest, Sir, that we may leave it to the good sense of Members? I am sure that each one will try to cut down as much as possible.

Mr. Speaker: Yes.

Yesterday Mr. Rathnaswamy was speaking when the House rose. He may continue his speech now.

Shri Rathnaswamy (Madras): I was speaking yesterday of the nefarious activities of the communists in which they indulge in our country. A close scrutiny of their activities indicates that they are not in conformity with the doctrines and dogmas of communism. Communism in our country is only an organised rowdyism. Their methods and the means by which they want to bring about a change in the atmosphere and in the environment in our country is repugnant to the glorious traditions and temperament of our people, to the genius of the people, and to the culture and civilisation of which we can boast. I remember what Panditji said some time back. He said he had absolutely no quarrel with communism as such but what he did not agree with is the methods by which the communists want to bring about a change of atmosphere in our country. In a talk with some of the communists in our country I found that their ideals and aims are so vague and vacillating. They do not have any defined or clarified political outlook. I am reminded in this connection of a story of how 20,000 stout, young men started from England to fight the Pope, not knowing whether the Pope was a deadful animal or a human being. That is exactly what we find in regard to the communists in our country today. Certain friends suggested that the communists might change their political outlook, that they might change their methods of achieving their end which according to them is economic equality in the country. But, I am afraid there are many in the country who believe that the communists have not abjured their faith in naked force and violence. They still believe, inspite of a Joshi and inspite of men of Joshi's way of thinking, that there are several of the communists in the country who owe allegiance not to this soil and who do not believe in peaceful methods for achieving their ends but believe in a method which has absolutely no conformity or harmony with all that we can boast of culturally. I remember what Gandhiji said when Prof. Aggarwal elucidated

certain tenets of communism to him. Gandhiji said, "If communism means this, and if communism can be achieved by purely non-violent and peaceful methods, certainly I have absolutely no quarrel with communism." And that is what I would like to tell the communists in our country. Let them adopt all constitutional, peaceful and democratic methods, let them adopt all decent methods by which they can bring about a change of atmosphere in the country.

12 Noon.

Instead, what do we find today in some parts of India, particularly the States of Hyderabad and Madras? There the communists indulge in subversive and shameful activities: they carry out sabotage, destroy the crops, plunder the people, and carry on looting and what not. May I ask whether this is communism of the Marxian type, whether this is communism of which many illustrious authors have written? Certainly what we find today is very much different from the communism of the textbooks and the communism of the Marxian type.

I should like to tell my communist friends to emulate the noble example set by Mahatmaji in his laudable efforts, and by hundreds and thousands of his followers who believed with him in the cult of non-violence. It was through that non-violence that our country was able to achieve freedom. Again, it was through a peaceful process that our revered Sardarji was able to liquidate the medieval feudalism in our country. Panditji has often referred to this feudalism as a relic of the past, an anachronism. Well, such glorious things were able to be achieved by Mahatmaji and by hundreds and thousands of Congressmen by their sacrifices, in an absolutely and essentially peaceful and non-violent manner. Therefore, let the communists or other parties who believe in a change of atmosphere, let the communists and other parties who want to have a change of Government, adopt all means but let those means be democratic and peaceful.

Having said all this, let us try to analyse what is at the back of hundreds and thousands of young men who believe in a creed of violence, who believe in a creed of force. They believe that there is something wrong in our governmental system. I believe they sincerely believe that there must be a change of atmosphere in our country. Well, the present conditions, both economic and social, in our country afford a fertile soil for hundreds of young men, mostly from among the student population, to believe and, according to them, sincerely

[Shri Rathnaswamy]

believe, that a change of Government is essential and inevitable. Therefore, it is but necessary on the part of our Government to analyse these various causes that have led young men to despair and despondency. When we talk in a dispassionate and calm way, when we want to analyse the various factors that have led to so many young men to sincerely believe in methods which are absolutely not in conformity with the glorious traditions of democracy and which go essentially against the temperament and traditions of our people—certainly we have no sympathy for such methods—then it becomes incumbent upon our Government to see whether there is or not a remedy for this malady, both social and economic. Therefore, while we sympathise with the objects of these people who want to bring about a change in the atmosphere in our country, we do not approve of the methods of naked force and violence which they want to adopt. For my part, I would appeal to our Government to see whether a changed atmosphere cannot be created, whereby these elements will be made powerless and ineffective.

Certain hon. Members waxed eloquent when they talked of civil liberties and individual freedom. After all, even in democracy you find the freedom of the individual and individual liberty only in the text-book. Even in a country like Great Britain, you find a certain adaptability to suit changing conditions. During war-time, there was a great deal of curtailment of individual liberty there. It became inevitable. Both there and elsewhere, individual liberty should be understood and appreciated only in so far as it does not conflict with national security. I would therefore urge on those who prefer to be antagonistic to this Bill to appreciate the difficulties of Government who have to face many internal and external forces. It is better for the communists to emulate the example set by Great Britain. There, you find so much flexibility and it is possible for people who do not agree with the Government to change it and also the form of Government. Similarly, it is possible for communists here to change the form of Government peacefully and by democratic methods.

I was referring to certain inherent dangers in this Bill. One such is that it may lead to police excesses. This was evident in certain places in South India. When the police wanted to find out the whereabouts of a communist, they had to comb out the whole locality and in doing so, many innocent

men and women were man-handled and even the chastity and modesty of innocent women were put to a severe trial. Such a danger has to be guarded against, because the powers given to the police in this Bill give an easy handle to indulge in all sorts of misdeeds.

Another point to which I would like to refer is that other than the communists there is a party in our country whose creed is based on racial dogma. They want to follow the example of Hitler and the preachings and practices of the whites in South Africa. This is indeed a dreadful doctrine. How could any civilised Government worth its name tolerate such a party? I am not speaking of the freedom, liberties, lives and privileges of a few individuals but of millions of people who stand in danger on account of the activities of these people. Therefore, it is incumbent on our Government to come out with a measure of this kind.

Some of the salient features of the Bill have been referred to by the previous speakers. The singularly good and healthy ones are the parole system and the mandatory nature of the Advisory Board's findings. These will go a long way to satisfy those who feel aggrieved by the passing of this measure.

Before I close, let me say that even democracy has got a tendency to become totalitarian. This happens particularly when the country is confronted with external forces threatening its security. Consequently, it becomes inevitable for Government to adopt some measures which go against the liberty and freedom of certain individuals. You may call it an evil, but let us accept it as a necessary evil. In America, an Act was passed in 1950 called the National Security Act to ban the communist organisations, because they found that these totalitarian forces were endangering the fundamental principles of democracy. In Australia also, the Security Act was passed in 1946 to safeguard the interests not only of the people but also of the State. In some countries in South America and even Central America, definite provisions are embodied in the Constitutions concerned laying down that any movement or organisation which has for its creed anything other than democratic principles or the democratic way of life should be completely banned. Organisations which have as their creed anything other than the democratic way of life have absolutely no place in those countries. This is due to the

fact that those countries had to undergo the ordeal of a great deal of armed revolt and armed insurrection and it became inevitable to embody those provisions in their Constitution.

Now, let me say a word about the anti-social activities of the business community in this country. They have not only lost the sympathy of the Government but also the sympathy and the confidence of the people. A recent report of Government indicates the nefarious manner in which the business community of India have behaved themselves. When the country is in the throes of a serious famine not only in regard to food, but also in regard to clothing and shelter, it is so sad and so tragic to find that certain elements want to create an artificial scarcity in the country whereby they can make easy money. Well, how could any Government worth its fair name tolerate such anti-social activities on the part of anybody, whether it is the business community or a political party? How could any Government under its very nose allow such nefarious activities to thrive? Therefore, I only feel that in so far as these provisions relate to the anti-social activities of the business community, or the activities of the communists or other parties which believe in violence, it is our bounden duty to support Government.

[Mr. DEPUTY-SPEAKER in the Chair]

The very fact that our Government does not want to extend the period of operation of this Bill beyond a year, is a proof of the fact that they are sincere in their intention to safeguard the liberties of the people. I may tell you that the only effective way by which civil liberties can be fully safeguarded, not only in this country but in the rest of the world, is by the eternal vigilance of the people. At a time when our country is faced not only with internal dangers but also with external danger, the only guarantee to safeguard the liberties of the people is constant and effective vigilance on the part of the people.

I am only sorry that this Bill does not include certain provisions in regard to forces that work against the social progress of our country. Millions of untouchables in this country are deeply indebted to our benevolent Government for the law they passed that untouchability in any shape or form shall be penalised. Custom is stronger than law. The law may have been passed, but what you find today in several parts of the country is that the caste system is still in its virulent form. I do not know why those elements should not be brought

under this Bill. I also find that there is a certain section of society which believes that the progress of women in this country is something to which they cannot subscribe. I am afraid these beliefs will only lead to certain dangers in our country. I, therefore, feel that the Bill will not be complete without adding certain provisions to deal not only with cases to which I was referring presently, but also those elements which are stoutly opposed to the social progress of women.

I do not want to prolong my speech, but let me conclude by saying that there are millions and millions of people in this country who feel greatly relieved at the way in which our Government has brought forward this measure. The spectacle of the fight put forward by those who want to defend the rights of a few individuals presents a sorry one. Our State is concerned not only with the rights and liberties and lives of a few individuals, but the rights, liberties and freedom of millions of individuals in this country. I would only ask them, when they grow eloquent by laying stress and strain on beautiful phraseologies like 'individual liberty' and 'fundamental principles of democracy', if they have taken into consideration the liberties of millions of people in this country? Therefore, instead of indulging ourselves in airy talk and ideology, let us calmly and dispassionately consider the implications of this Bill. Let us not simply talk for talking's sake, but see whether or not this Bill would not only defend the liberties of millions of souls in this country but also enable our country to tread on the right path and secure us again a place of which our country could boast of in ancient times. Let us at the same time not forget the teachings and the preachings of the Prince of Peace who was with us till the other day. So long as we feel that the destinies of this country are safe and secure in the hands of our revered leaders like Rajaji, so long I am sure we need not be afraid that the individual liberties or the freedom of the people will be in any way jeopardised.

Mr. Deputy-Speaker: Mr. Sarang-dhar Das.

Sardar B. S. Man (Punjab): Sir, it was with great difficulty we were able to persuade you and catch your eye on this side of the House. It seems we will not be able to retain it a little longer and now it has reverted again to that lucky corner.

Shri Rajagopalachari: Even now, it is not too late to accept a voluntary cut in time.

Shri Meeran (Madras): Not only voluntary cut with regard to space, I think.

Sardar B. S. Man: They are all concentrating for the last two or three days on that corner.

Shri Sarangdhar Das: I rise to support Prof. K.T. Shah's amendment for circulation of this Bill to elicit public opinion. While on that, I support the motion, I will state my grounds for sending it for circulation. Before doing so I wish to say that I am very sorry the Home Minister has made some remarks about the Civil Liberties Union and those who are in that Union. Many of the speakers have already mentioned who are the signatories of that Union. I know the All India Civil Liberties Union of which I am also a Member.

Shri Raj Bahadur (Rajasthan): May I just point out that every speaker has been speaking about Hyderabad and it is unfortunate that Members from Hyderabad have not been able to speak so far.

Mr. Deputy-Speaker: Because others argue the case of Hyderabad much better sometimes.

Shri Sarangdhar Das: I want to read what Mr. Justice Tendolkar of the Bombay High Court says:

"Power is an incomparable intoxicant and the tendency exists in all Governments all the world over to encroach upon the Fundamental Rights, sometimes consciously and sometimes unconsciously. It is the duty of every citizen to resist such encroachment with all his might. Thus alone shall we prove ourselves worthy citizens of an independent Sovereign Democratic Republic".

It is always easy for those in power to pooh-pooh the ideas of other people fighting for civil liberties. I know our Prime Minister himself was the President of the Indian Civil Liberties Union which functioned in Bombay for many years during the struggle for our independence, but it seems that times have changed. Consequently it is the duty of those who are outside the Government to safeguard the civil liberties of the people. I do not wish to go into the points that have already been made as against the proposed amending Bill, but I wish to say that the Act has been in force for a year and during the year injustices have been done by the executive not only to people who may be suspected of sabotage

or subversive activities or even murder as in Tolangana but also to innocent people and that is why we object to this measure and to this power being given to the executive. For instance, Mr. Kamath had read out from a list that during the ten months of this Act about 190 Socialists were also detained. Everybody knows that the Socialist Party is a purely constitutional party and it stands for upholding the State. It does not believe in violence; it does not advocate violence; it keeps within the law; there is no secrecy; everything is above board and yet there were 189 Socialists detained during that period and I believe even now there are about seven or eight who are detained.

Shri Bharati (Madras): Not because they belong to the Socialist Party.

Shri Sarangdhar Das: You wait. Someday you will be there if the party in power goes on doing things like this. As the party in power, it has forgotten truth and non-violence of the Leader who gave us independence, who brought us independence. If that party continues to behave in this manner, I have no doubt, that the parties that will come into power in future will take their revenge.

My grounds for opposing this measure are—it is a new point and nobody has dwelt on this—that ever since 15th August 1947, the whole country has been governed by sections 107 and 144 of the Cr. P.C. the Public Safety Act, etc., sometimes temporarily for a month or two and sometimes for long periods. First of all, let me tell you about my own State of Orissa. In Orissa about 73 per cent. of the people are gagged, that is to say, they cannot hold any meetings there or have any processions without taking the permission of the police.

Shri T. Husain (Bihar): You are a very bad people in your State.

Shri Sarangdhar Das: That is why you are afraid of them. Somewhere in 1948 there was apprehension of an Adibasi rising in Orissa along with Bihar and in all Adibasi areas section 144 was enforced; the Police Act was enforced, but since that time there is absolutely no trouble and no excitement among the Adibasias. As a matter of fact, it was only an apprehension but section 144 and the Police Act are in force even today. I myself have been interested in the Adibasias in a certain area in Orissa and every time I went there, the Police Act was in force, so that I could not hold any meeting.

I want to tell you that if we want to have democracy, if we want to develop democracy, that is to say, democracy, which does not exist in Indian society, because of our caste system—every higher caste believes that the lower castes are all his under-dogs—we should educate even the people who think that the higher castes are the *Ma Baps*. We want to educate them but this Government both at the Centre as well as in the States do not give us the opportunity to educate the people. These conditions exist in many parts of Rajasthan and in the Punjab also. When I analyse the situation in these areas, I come to know that wherever the Socialists become strong, these restrictive measures are enforced.

I will give one instance, right under your nose, I say to the hon. Home Minister. Right here in Delhi, there was section 144 of the Cr.P.C. in force; in some areas the Police Act was in force; in some other areas permission had to be taken. Recently, because of the ration cut, people protested and they had a demonstration in front of the National Club, where some of the Ministers had been invited to have a sumptuous dinner. It was a peaceful demonstration. About 100 police men were there. There was nothing to be said against the demonstrators. The police men were there to protect the guests while they entered the compound of that National Club. Yet, ten or twelve of these demonstrators have been challaned and asked why they should not be prosecuted.

Then, again, lately, the Socialist Party of Delhi asked for permission to take out a procession in protest against the ration cut. This is what the District Magistrate of Delhi writes.

"With reference to your letter dated so and so, (February 5th), processions of a political nature are not allowed in the City and therefore no exception can be made in your case."

Will you please tell me if protest against the ration cut and the rise in prices is a demonstration of a political nature? Has politics anything to do with it? No. But, it is sponsored by a political party that opposes the ruling party and that is why the executive here says that "no exception can be made in your case." He calls it a demonstration of a political nature. There have also been many cases in Delhi where the executive has harassed political workers. Cases have

been instituted and after the trial had dragged on for four or five months, the magistrate, who was trying the case, found that there was not enough evidence and discharged the persons. That is the way in which political parties are being handled by the executive, who are, I am very sorry to say.—I know very many cases—subservient to the dictates of the ruling party, not only Members of Government, but also local political bosses of the districts and towns. I have known many cases like this in my own experience in Orissa. I know cases here in Delhi and Rajasthan also.

On top of this, lately a ban on public meetings in Delhi has been announced. While up to this time, only certain areas in Delhi and New Delhi...

Shri T. Husain: On a point of order, Sir. Is my hon. friend entitled to speak about section 144 of the Cr.P.C. which has nothing to do with the Bill under consideration?

Mr. Deputy-Speaker: I think he will conclude. He only wants to make a reference to show that similarly the Preventive Detention Act may be abused.

Shri T. Husain: On a point of information, I want to know from him whether he wants that section 144 Cr. P. C. should be deleted from the Cr. P. C.

Shri Sarangdhar Das: My point is this. When the ordinary laws of the Land are being abused by the present executive all over the country. [*Babu Ramnarayan Singh:* बहुत ठीक (quite right)] it is dangerous to clothe this executive and this Government with the Preventive Detention Act, which does not exist in any other country.

Mr. Deputy-Speaker: A few instances may be cited; it is not absolutely necessary for him to go into all the cases.

Shri Sarangdhar Das: My point is this. If they are not fit enough to exercise the ordinary laws of the land, which we want should be there, how can we trust them with this extraordinary law? (*An. Hon. Member:* Change the Government) Yes; people can change the Government. But, my point is.....

Mr. Deputy-Speaker: He is relevant; but he need not multiply instances of abuse of power.

Shri Sarangdhar Das: All right; I will desist from this.

Shri Raj Bahadur: We can multiply instances of abuse of liberty also.

Shri Sarangdhar Das: I will now say what this Government in the Home Ministry is doing with private mails. The Socialist Party had sent a packet to a well known Labour Paper in New York, some months ago. That was censored and here is a photostat copy of the censor form. It is very peculiar and I will come now to the Home Minister's inefficiency and lack of intelligence—I quote what he has said. What did the police do? After censoring, they put that censor form in that packet and sent it to New York. The Editor of *Labour Action*—that is the name of the Paper—when he saw that, at once rang up the Indian Consul General in New York and asked him whether in peace time, mails for foreign countries are censored in India. Our representative there waxed eloquent and said, "No, no; it cannot happen; it is against the Constitution; in Nehru's Government, nothing like that would happen." They published it and it was re-published in our paper here in India, *Janata*. What is the use of censoring a packet of papers which is being published, circulated and one or two copies of which are going to come to Government for registration? Not only that. I understand that the mails of some Congress Members who have lately rebelled a bit against that party, are being censored. Private matters are being peeped into; not only peeped into, but also published in the party papers and photographs are taken. This is the way in which the postal law is being administered. I have been assured by the Communications Minister that there is a "No. 10 Register", which was meant for goondas and dacoits, so that Government may watch them and their doings. In that Register, the British Government had put you and me. Now, our present Government, a democratic Government, has put us in there; some of us; I am not there. The Communications Minister has assured me that I am not in "No. 10 Register."

Shri T. Husain: A very lenient Government.

Shri Sarangdhar Das: My mail has not only been tampered with, but I have lost many letters. I have complained to the post office and the Post Master General; but there is no remedy.

Under these two circumstances, my contention is that if this Government is not exercising due care in enforcing the present laws of the land, I am totally against clothing Government and its executive with this extraordinary law. I have one thing more to say about the remark that the hon.

Home Minister made that Government is not as efficient as it should be and that the people are not as intelligent as they should be. I agree with him in the first statement. I say Government and its minions all over are the most incompetent and inefficient. This they have proved themselves to be, not only in this Department, but in every other Department. But as far as the people's intelligence is concerned, I want to tell the Home Minister that if he had said in any other democracy what he said of the people of India, there would have been trouble—big trouble. Our people are not unintelligent. I say they have enough intelligence. They know what is happening. They know to what a condition you have brought them. But they are docile. They are a docile people, and I am hoping that some day they will wake up and take action and not just cry as they are crying now. And, it is a very shameful thing for a Minister of the eminence of the Home Minister, of Shri Rajagopalachari's eminence to speak about the people and say they are not intelligent. I will tell you how they have shown their intelligence. When.....

Mr. Deputy-Speaker: Is it necessary to use such strong language as that?

Shri Sarangdhar Das: Sir, I have not used any strong language now.

Shri T. Husain: He has been using strong language all along.

Shri Sarangdhar Das: If it is too strong a language, I can walk out. But it is not unparliamentary. I have all the respect in the world for Shri Rajagopalachari. I have all the respect for Mr. Nehru, and I have all the respect for Sardar Patel. For whatever good they have done I have respect for them. But if anything is wrong, it is my duty to point that out, and if the language is strong, I am not afraid.

Speaking about the intelligence of the people, you know a couple of years back there was trouble in Calcutta sponsored by the Communists. I am well acquainted with Calcutta and every time I go home I meet friends there. And I know that ever since 1948 non-political minded people, not Congressmen or Socialists, but the non-political minded people were in sympathy with the Communists, and I have had quarrels with them. When Panditji was in Calcutta there was disturbance in the meeting by the Communists and he told the police not to interfere with them but to let the people take care of them. And the people did take care of the Communists

and since then there is no sympathy with the Communists even on the part of those friends who had been quarrelling with me. The root of the trouble, I say, is this; the people do not have sufficient food, clothing or housing and they are suffering. Even this morning I read that in Calcutta even in the black-market there is no cloth available. Cloth is not available even in the black-market. (Interruption). If the people suffer, whether they are Communists or Congressmen my friend from Rajasthan can go and incite the people to rebel against Government and they will do that. But I say, you can cut at the root of Communism if only you give the people houses to live in, food to eat and cloths to wear; you cannot do that by indulging in provisions like those contained in this Bill. If you provide these to the people, they will have respect for Government and they will see to it that Communism does not thrive in this country.

I do not want to say anything more and take further time of the House. Whatever else I might have to say is rather of minor importance. My main point is that if Government has not exercised due care in enforcing the present ordinary laws of the land, it should not be clothed with extraordinary powers as those proposed in this Bill.

Shri Hanumanthaiya: I have been listening to the debate for the last two days with very great concern. I say so because the Congress institution which won all the liberties that are incorporated in our Constitution and all the leaders who have put in more than a quarter of a century of suffering and sacrifice in this cause, are being attacked in this House and outside. I was particularly pained to hear the speech, charged with bitterness and strong language, of the hon. friend who just now finished. I am sure my friend of the Socialist Party is a man

Shri Kamath: Is he?

Shri Hanumanthaiya: I wish my friends had the patience to wait and listen to the whole of the sentence. I said he is a man.....

Shri Kamath: Oh!

Shri Hanumanthaiya: I am not a man who will be laughed out. I again say that my friend is a man who is not wedded to violence or activities of the kind that the communists resort to. I am perfectly sure that he is a man who is wedded to the principle of democracy and democratic procedure. That being so, there is no use in his developing in this House or

outside feelings of bitterness against his political opponents. In democracy it is a question of discussion, of persuasion and of coming to a decision. If there is any honest difference of opinion we respect it, we even love those of other opinions and yet we vote our own way. But it is an unfortunate thing that in our country, whosoever is not in power is developing a kind of bitterness which undermines the very psychology necessary for the working of a democratic government.

Having said that, I might add that I am not a man who will advocate that our political opponents should be put down or harassed under any law or under any pretext. I need not emphasise what the hon. the Home Minister has already said, that it is not the purpose of Government to make use of this weapon against political opponents or to perpetuate themselves in office or to win the General Elections. If my hon. friend who does not belong to the Congress Party to-day, doubts the very *bona fides* of an assertion like that, then to that extent he loses what is called faith in democracy and in man. It may be that this Preventive Detention Act has been used in certain cases in an unjustifiable manner; but you cannot blame the present Home Minister for what was done previously. May be the whole Government is responsible for the application of the Act and if the application of the Act has worked some injustice, it is for examination. It is for that very reason that Boards are being constituted and were constituted. In fact, this measure, as everyone knows, is a liberalising measure. The Boards have been given extensive powers, far more powers than what they enjoyed up till now. Therefore, if there is any defect or injustice in the practical application of the provisions, it is for the Boards to consider them. My friends who attack the party or the Government for misuse of these powers must be satisfied when they read in the Bill that these Boards are being constituted not with members of the Congress Party, or their henchmen, but with Judges, High Court Judges or prospective Judges. No one here who has opposed the Bill has attacked the Boards as such or the composition of the Boards or suggested that these Boards have given decisions smacking of injustice. It is good that this Bill has given every discretion to the Boards to judge the cases on their own merits. This should allay all apprehensions. Yesterday some very eminent Members of this House went to the extent of saying that there is no difference whatsoever between those that ruled the country before August 1947 and

[Shri Hanumanthaiya]

those that are ruling now. The reason given was that the present Government is using the same restrictive laws as were used by the previous Government. I very much wish they were here but they are not. I can give an illustration that circumstances alter the case.

There is a story in *Mahabharata* which I shall narrate. There was a *rishi* in a forest doing *tapas*. There were a number of robbers in the forest whose profession it was to waylay, rob and kill people. One day they were pursuing a party of travellers and it so happened that the pursued were faster than the pursuers. The robbers lost sight of them and seeing the *rishi* on the way asked him which way the travellers went. The *rishi* thought over the matter, "After all I am a *rishi* and must tell the truth." So he told them the truth. The robbers pursued the travellers, robbed them and killed them. This story was related to Arjuna by Krishna to show that even by telling the truth one may commit sin.

Every one is for civil liberty but who should enjoy them and in what circumstances is the question. Nobody in this House will argue against the safeguarding of civil liberties. They are the very breath of democracy and free life. If certain people take advantage of this liberty and undermine the foundations of society and Government, can they ask that these liberties should be given to them unrestricted? Members have spoken unanimously that the Communists are using these liberties to subvert the Government and establish a dictatorship of the proletariat by bringing about class war. They have no faith in democracy. They think that democracy perpetuates capitalism. They want to overthrow democracy. After all it is democracy that guarantees civil liberties. If any one of us thinks that civil liberties should be given to a set of people who are out to destroy democracy itself, they will be placing themselves in the position of the *rishi* who told the truth irrespective of the consequences.

I would appeal to the Home Minister, who has experience and wisdom, that he should be doubly careful in the application of this measure. I say frankly that the Act has been misapplied many a time in different places in this country. As one belonging to the Congress Party, I suggest that the hon. Minister should make it clear that this Act from this day shall not apply to anyone of our political opponents.

Shri Bharati: Even if they work in secrecy and adopt violent methods? That is the point.

Shri Tyagi: It will apply to individuals only.

Shri Hanumanthaiya: Sir, I shall continue my speech 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]

Shri Hanumanthaiya: I was speaking about the practical application of this measure. I for one would like to make it clear that I am definitely of opinion that the Socialist Party, the Hindu Mahasabha, and even 'Others'—the statistics give a certain number of detenus under the heading of 'Others'—should not be dealt with by this Act. Then, people say that blackmarketeers are as much sinners as communists are. True. I am not a sympathiser of the Communist Party or of their principles, and I will not give any quarter to people who do not give quarter to anyone else. I detest blackmarketeers as well. But blackmarketeers should not be dealt with under this Act. There is Essential Supplies Act which gives powers to the judiciary to imprison such people even for seven years. That Act and other weapons in the armoury of Government may be used against blackmarketeers. The present measure should be confined solely to the security of the State. To extend its operation to any other category of offenders would, in my opinion, be going against the very principles which we profess. There is, I admit, a certain amount of justification in the criticism levelled against our Party and Government that this measure may be used against our political opponents. I have no hesitation in telling the truth when the truth is so glaring in terms of facts and figures. Hereafter this measure must be confined, as I said, to that category of people alone, to that Party alone which by violence and secrecy wants to undermine the society and the Constitution.

There is another point of view which I want to place before Government. In the Statement of Objects and Reasons furnished to us it is definitely stated that the situation is improving. For the last one year this measure has been in force. Two to three thousand

people have been detained and Government definitely state that the situation has improved. If so, let its operation be confined to particular areas. (An Hon. Member: Not at all.) It should not look as though there are disturbers of peace in every State, in every town, in every village and in every part of the country. That is not a certificate of which the Congress Party or Government can be proud of. Government should have the liberty to extend the operation of this Act to areas where such danger exists. It is no use indiscriminately making it operative from Cape Comorin to the Himalayas. If this suggestion is accepted, and if our political friends—I do not even say opponents—are assured not only in words but in deeds that they need not apprehend any sort of vindictive action, I think this measure will command the unanimous approval of all sections of the people.

Shrimati Sucheta Kripalani (Uttar Pradesh): At this fag end of the debate I rise with great hesitation to speak on this Bill, especially so because this Bill has been presented to the House by one of our most veteran leaders, Shri Rajagopalachari who has been in the forefront of our freedom struggle. The Bill has been considered by the Cabinet where our biggest leaders sit. So they must have given very great and anxious thought before they decided to present this Bill to the House. But, whenever such a Bill comes to us it jars upon the susceptibilities of people who love democracy, to whom democratic principles are dear. This measure came to us last year. It went against our grain to pass the Bill. But we passed it because we thought Government needed this Act at that time. We who have been nurtured in a tradition—and the tradition built by whom? By these very leaders who are presenting this Bill—have looked upon such measures as black measures, as measures that are an encroachment upon the personal liberty of the citizen. The most basic of the fundamental rights is the right of personal freedom. If that right disappears I apprehend other rights also will disappear in course of time because the other rights emanate from or are subsidiary to this right. A democratic State hesitates twenty times before it takes a decision to suspend the *habeas corpus*. The suspension of the *habeas corpus* takes place only under a very serious national crisis, an imminent and grave crisis, a time when the law of personal liberty can be overridden for the law of national safety, when the law of national self-preservation requires that the law of personal liberty be set

aside. Only at such a juncture, only at such a time are such measures brought forward. Therefore, when this Bill has come as a Government measure brought by these leaders whom we all respect, under whom we have learnt whatever we have learnt about struggle, about freedom and about principles of democracy, I naturally hesitate to criticise this Bill.

Now let us see whether such a national emergency exists when the law pertaining to personal liberties can be suspended or should be suspended. The hon. Home Minister in his introductory speech emphasised two points: one, that violent, secret, subversive forces are working to bring about chaos and therefore such a measure is necessary. Secondly, he said he was bringing this measure before us but was modifying it as much as possible, was liberalising the provisions as much as possible. He told us that under the new amendment the powers of the Advisory Boards will be increased, their scope of function will be extended, and the detenus will be allowed the privilege of parole. We appreciate that the amendment is a great improvement on the existing Act, but we have to see whether all the undesirable sections which can easily be removed from the Act have been removed. For instance, in this Bill we find that the Advisory Board need not be given all the facts leading up to the detention—Government need not disclose all the information to the Board in order to safeguard public interest. If facts are not disclosed to the Advisory Board how can you expect the Advisory Board to do justice to these people? Secondly, this argument that for the sake of public safety these facts need not be disclosed is to my mind a very peculiar argument. Such an Act comes into existence when the community at large is in danger; for the welfare of the community such an Act is necessary. When for the welfare of the community such an Act is passed and under that Act we are taking action against someone, then why should we not disclose why the man is arrested? Because, after all, self-interest is the most important factor that works either for group or for individual. If the public realizes that unless a particular man is detained or a particular society's activities are stopped it will be in danger, I am sure it will support Government. When in the interests of public safety a man is detained, I do not understand why the reasons for detaining him should not be disclosed. The least we can do is to tell him why he is detained. We arrest him. We deny him the ordinary legal remedy. We detain him indefinitely. At least we should allow him this privilege, that

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he should know why he has been detained. The Advisory Board that we have set up is in the place of a court of justice. Let the Advisory Board know why the man has been detained, so that it can assess the case properly.

The second point is this. The detenu is not allowed to represent his case to the Advisory Board either directly or through a legal representative. We do not tell him why we arrest him. We detain him for an indefinite period. We deny him the privilege that is due to a citizen, namely, the protection of a court of justice. We also do not allow him the limited legal remedy that he can come and present his case before the Advisory Board. Therefore, I think that the Act should be amended to include a provision that the detenu could either in person or through a legal representative represent his case to the Advisory Board.

The next point is about the authority who issues the detention order. Who is the authority that has the discrimination to decide as to who should be detained? This Bill says that even a subordinate officer of the rank of a District Magistrate can issue detention orders. Detention order, mind you, is an order where you do not tell the man why he is arrested; you do not take him into a court of law. It is a very serious thing. You take away the man's personal liberty. You deny him one of the fundamental rights. And the person who is to decide is only an ordinary District Magistrate. In England, when such detention measures are enforced, it is the Home Secretary who considers each case and issues detention orders. If we arm the executive with such high powers, I apprehend that very likely they will be misused. Though it is painful for me to say so, our executive having been a machinery of the British administration has a tradition of irresponsibility, and of overbearing and arrogant way of behaviour. We do not know how such an executive, if it is armed with such high powers, will function, and it is not unknown in this country that the executive very often has functioned in an arbitrary—I would even say unlawful—manner. I could quote so many instances, not with regard to this Act, but even with regard to the normal powers that we have given to the executive. I can tell you how those powers are misused by them. I know how often executive officers came and interfered in the election during the last few months. As it is, the power that they have is enough, if not very much. If we give

them more, the powers will be misused either for political or even personal retaliatory purposes. Many illustrations were given by previous speakers. I do not want to repeat them. One side of the picture only is open before Government. Another side of the picture only is perhaps open before us. There are always two sides to every picture. But why should we go on arming the executive with this kind of high power and run the risk of its being misused? These are certain sections of the Bill which need to be very carefully scrutinised if at all this Bill has to be passed by this House.

Now, let us go to the general question, namely, whether such an emergency exists in the country as to warrant such a measure. I know that Communists are acting in a most anti-social manner in certain areas of India. We have heard a good deal about it before on the floor of the House. We have read a good deal about it in the newspapers. Several speakers during this debate have drawn our attention to these facts. Such anti-social activities must be suppressed very firmly and if for suppressing such activities Government come to us for powers, certainly we shall be only too glad to give them those powers. I do not agree with my hon. friend Shri Hanumanthaiya because if you want to deal with black-marketeers and powers such as these are necessary for suppressing the black market, I would give the Government such powers. But before we arm Government with extraordinary power, we have to see whether the normal law of the land cannot cope with the situation. If the normal law of the land is not able to cope then certainly let us equip Government with all the powers that they require. Very often, what happens is that it is not the law that is defective but it is the execution of the law that is defective. Very often, criminals are not apprehended, not because the Police has not got the authority to deal with them but because the administration is not efficient enough to deal with them. An illustration was given yesterday about the murder of the Father of the Nation. I do not know whether the murder took place because the Police did not have sufficient powers to do the needful or because the Police was not vigilant enough. You can quote several instances like that. We can go on arming the executive with powers, but if the executive is dishonest, if it is inefficient, then what is the good of arming it with these high powers? Extraordinary powers by themselves do not give the strength. Strength comes from various sources. Extraordinary powers should be given only when

absolutely necessary, but unnecessarily such extraordinary measures should not be adopted by this House.

I know that article 22 of our Constitution does give constitutional sanction for such measures, but let us see what is the intention of this part of our Constitution. Article 22 comes under the Chapter on Fundamental Rights. This Chapter is made for the protection of the Fundamental Rights of the citizens of India, not for the denial of Fundamental Rights. If this article is used for the denial of Fundamental Rights, then we may as well not have written this Chapter. As I said before, if an emergency situation or an extraordinary situation is there where the national interests require that personal liberty should be curtailed, certainly it should be curtailed, but when it is not required, if you unnecessarily for peace time working take recourse to these measures, then if we have not gone against the letter of the Constitution we have gone against the spirit of the Constitution at least.

Unfortunately, these Acts are a legacy of the British regime. When we were fighting with the British, such Acts were among the most hated Acts. We used to look upon them as a denial of democracy. I think most of the Members of this House have at one time or another served imprisonment as detenus. We well know what detention means. We well know what the privileges of a detenu are and how his rights are trampled upon. So, we thought that when we achieve freedom one of the first things that we would do would be to do away with such Acts. Last year, when Government asked us to sanction such a measure, with hesitation we sanctioned it, because we thought that our infant Republic State which was learning to walk needed crutches and we had to give it the crutches. But if you come again and again and tell us that the infant will never be able to walk unless we provide the crutches year after year, then I would say that there is something wrong with the health of the child. You have to see where the defect lies, and why you have to come to us for the crutches again and again. A healthy infant should be able to walk without these crutches after some time.

I do not wish to take much time of the House. I would only like to remind all hon. Members that we have kept very high ideals before the country. We have made very loud proclamations of our aims and objects. We stand by democracy. We stand by individual liberty. We have struggled

for these all these years and now when we have achieved freedom, we should try to preserve them as best as we can. Foreign countries look to us as a progressive country. Last year, when I was returning from the U.S.A., one of the most awkward and inconvenient questions was put to me by a correspondent in London. He asked, "Why have you got such Acts? Why is it that you need them? Why do you keep people in prison without trial?" I had no cogent answer to give the questioner. I gave, of course, the so-called reasons, because I was in a foreign country and I had to support my Government, but from within my heart I could not justify this Act. Therefore, I say, the less we make use of these extraordinary powers the better. You can make use of these powers if there is an emergency. (An Hon. Member: They are cutting our throats in Madras.) If in your part of the country there is an emergency, let the Act be used there and we shall be too happy to give the power to Government. But please do not suspend the normal law; do not take it over and above the normal law.

Within the country itself what is the result of such measures? We bring Government to disrepute; we lower the prestige of Government. Why? Because a popular Government should know how to deal with the people. Our approach to the people should be a constructive one. Our strength should not be the strength that the British had. Our strength is not the strength of cannons, strength of enactments, the strength of the police. Our strength should be the strength of popular support and popular goodwill. If the people are behind us, if the people know that our actions are just, if they know that we are working for the welfare of the people, then the popular support which we will have, would be the strongest armour that we can think of. The anti-social elements will not be able to function if the generality of the people are behind us.

Then how do these things come about? The basis for this thing is discontent, hunger and dissatisfaction. If we want to suppress Communism by bullets alone, we will not be able to do it. If we want to suppress Communism and the other anti-social forces, we should try to win over the people to our side by satisfying their requirements. Communism can be suppressed not by bullets, but by the satisfaction of hunger and by the eradication of causes that breed Communism. That is the best and the strongest way of dealing with this menace. I do not say do not use the measure. Do use

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the measure. But do not arm yourselves with a tremendous sword when a little pen-knife would do the job.

I am in this connection reminded of the famous words of Poet Tagore, the Sage of this age. I will just repeat it in Bengalee and give the translation of it. They are very significant. To me those lines are like a warning. He said in these two lines:

ওদের কাঁধন যতই শক্ত হবে
ততই কাঁধন টেবে,
ওদের যতই আঁখি বড় হবে
সোদের আঁখি ফুটেবে।

The more tight the tie is will it snap.

The more blood shot the eyes (of the authorities) will it open the eyes of the people.

Therefore, do not think that strength only lies in these measures. Strength lies in measures which are constructive. I appeal to Government—instead of thinking of arming ourselves with such measures let us be more introspective. Let us see where the defect lies; let us see why we have all these troubles and why we have again come to this House for such measures.

[MR. SPEAKER in the Chair]

Shri B. K. P. Sinha (Bihar): I find from the debate that the critics of the Bill are in a difficult situation. Their lot today is rather unenviable. The original Bill was introduced last year; in a later session an amending Bill was introduced. The critics then were in a mood of offensive. They were on the offensive all along the line. But I find from this debate that they have abandoned their two forward trenches—the trench of constitutionalism and the trench of academic, theoretic principles. Several arguments had been advanced on the ground that the Bill offends and violates our Constitution, or goes against the spirit of our Constitution. This has been examined and set at rest by the pronouncement of the highest Judicial Tribunal of this country.

So far as the trench of theoretical principles are concerned, the critics were conscious that in this modern world it is difficult to have the same conception of liberty which people had in the nineteenth century. The whole conception has changed. The practices that were based on that conception in the nineteenth century were entirely different from the practices which we have based on the conception, in this world, in this age.

Liberty does not mean only personal liberty. It is something very wide and very comprehensive—political liberty, social liberty, economic liberty, etc. Critics must be aware that in this age these liberties have to be curtailed. People are conscious that they should be curtailed in the interests of society and country. So far as the question of economic liberty is concerned, its 'invasion' is not only normal now, it is considered respectable and considered respectable by those sections of people who put up a huge fight when we begin to invade this limited sphere of personal liberty. After abandoning those two trenches, they have come to a third trench, the trench of necessity. They say: "We challenge the necessity for this measure." Is not the normal law of the land sufficient to deal with the situation? I am reminded of a story from a very famous book in Hindi *Akbar-Birbal Vinod*. You know Akbar was a Great Emperor and he had a humourous courtier by name Birbal. The question arose as to whose number was greater in this world—people with eyes or people without eyes. Birbal said: "Your Majesty, the number of people without eyes is larger" Akbar said: "What do you say, so many people have eyes." The next day was decided as the day of test. That day Akbar was passing through the streets of Delhi. Birbal sat in the market and was stitching a shoe. Akbar passed that way. Immediately he saw Birbal he stopped and asked: "Birbal, what are you doing?" Birbal replied: "Your Majesty, I put your name first in the list of the blind. You see what I am doing and yet you do not realise what I am doing. Sir, blindness does not consist only in the physical incapacity to see a thing, but the mental incapacity to realise a thing, as well."

Similar is the situation that I find today. Where is the necessity for this measure, it is asked. Supporters of this measure have alluded to the situation in Hyderabad. The magnitude of the situation should not blind us to the fact that this situation exists in other parts of the country as well. The situation is grave in Manipur; so also in Assam. Only a few days back we came across a news item in the papers of the murder of so many Congressmen in Assam and that punitive tax had to be imposed on several villages in Manipur because people there were not only assisting the criminals but were also harbouring them. They were sheltering the criminals.

Shri Raj Bahadur: They had to do it against their will.

Shri B. K. P. Sinha: Again, take the state of Bihar. People here might be thinking that conditions in Bihar are normal. I would like to tell them that conditions there even now are not normal. You do not read of many crimes, but the criminals are still there and if there is a laxity of vigilance, the situation will become as grave as in Hyderabad. I will tell you, Sir, of a village Doctor in Monghyr, the district from which the Chief Minister of Bihar comes. The people in that area were shielding some Communist offenders. Some of them were apprehended. It was suspected by some, rightly or wrongly, I do not know, that the Doctor had something to do with their arrest. A few days after the Doctor did not reach home. Two days after his body cut into pieces was discovered in a field. This is so far as a rural area is concerned. I will take you to the town of Muzzafarpur, the most important town in North Bihar, a town with a population of more than a lakh of people. There was a labour worker. He was a Communist; he was a very good worker; he had a tremendous hold over the municipal labourers in the town. One day the patriot in him woke up and he realized that he was on an erring path and he broke away from the Communists. The Communists apprehended that the labour Union would pass out of their control. A few days after at about eight or nine in the night in the heart of Muzzafarpur town where the headquarters of not only the Collector but of the Superintendent of Police and the Commissioner of the Division are situated, there was a tapping at his door. Somebody wanted to see him and he came out. Three shots rang in the air and the man was dead. I can recite instance after instance of this character, so far as my State is concerned. The police had apprehended some Communists; they were carrying them by train. Suddenly while they were in transit a sudden raid was made on the Railway Station where the train was stopping and those culprits were forcibly snatched away and they were at large for a number of days. That is the situation there. The situation is not getting out of hand just because the State authorities are vigilant. The situation not only exists in Hyderabad, but in Assam, in Manipur and in every part of the country. I hope the critics will after going back from this House consider the situation of the country and tomorrow I hope, they will change their mind.

It has been said by some: Why are you not confining yourself to the normal law of the land? The normal law of the land is sufficient to deal with this menace. I have scrutinized the normal law of the land. There is the Penal Code. The Penal Code comes into action only when a crime has been committed. There are practically no preventive sections in that Penal Code. The preventive sections are in the Criminal Procedure Code, but the preventive sections of the Criminal Procedure Code are few. They deal with only a small category of crimes. Moreover, they are based on the supposition that people, even if they break the law, shall be amenable to the discipline of the law, shall be amenable to the authority of the State. Here we are face to face with an abnormal situation. The normal law of evidence, the normal law of procedure, the normal Penal Code cannot deal with these types of crimes. These types of crimes have got to be checked long before they actually occur. Is it sufficient to say: "Why do you not have the same Act for this type of people also?" Is it possible to deal with them with this type of Evidence Act? This Evidence Act proceeds on the assumption that the people will assist in the apprehension of criminals, that people shall be truthful, that people when they come to a court shall speak the truth and that in the court nobody will try to protect a criminal. What is it that you find today? In village after village, in large areas, there is complete demoralization of the people established at the point of bayonets and swords. Nobody can dare to raise his voice. I have already told you of the case of that Doctor. Is it possible to expect in the circumstances that people will be coming forward to give evidence? They will not, and that is my submission. These people preach a new philosophy of ethics, a new philosophy of morals and according to them a lie is not a lie, rather a lie becomes a truth if spoken in the cause of their party.

That is the philosophy which they preach and that is the philosophy of which they have convinced the people in certain areas at the point of bayonets. In that situation to expect that the normal law shall be sufficient to cope with the situation is nothing but living in a paradise of our own imaginary creation. The normal law cannot cope with it. It has not been framed to cope with situations like this.

Then, I come to the suggestion of Dr. Mukerjee: Why not incorporate this measure in the normal law of the

[Shri B. K. P. Sinha]

land? It is rather peculiar. In the normal law we cannot say that the normal law of evidence for Communists shall be this and for others this, that the law of procedure for Communists shall be this and for others that. If we do that, our redoubtable friend, Mr. Naziruddin Ahmad will be on his legs and say: Order, order. The Constitution is being violated; equality before law is being denied. Does Dr. Mukerjee want us to land ourselves into that predicament? We cannot do it. Today the normal law does not operate so far as 10,000 or 20,000 people are concerned. If we make this type of extraordinary law the normal law of the land, then in addition to those 20,000 people, 36 crores of people shall be deprived of all liberty. What is proper? To have a special law for those 10,000 or 20,000 and deprive them of the luxury of criminal license or introduce this in the normal law of the land and deprive the 36 crores of people of their liberty? I think there can be no doubt on this issue so far as this House is concerned. They will prefer the previous course. Some critics have referred to our past. When you were fighting the British Government you always raised your voice when people were put in jail without trial. Yes, we did, but the conditions then were different. We were wedded to a different theory. We never operated in the dark and we always held that a lie is not a truth even if it is spoken in the cause of the country. We put emphasis on truth and we never operated by trickery and that was the difference between us and the other people and that makes all the difference. That makes the difference between our voice then and our support now.

I next come to a criticism more or less on similar lines. They say: Such a law it is not possible to find in normal times in any civilized country. I do not know what they mean by a 'civilized country'. If we scan the different countries of the world, we shall find that in a large part of it and in most of the nations, liberty consists only in name. It is there only on paper, as something to deceive the people, to throw dust into the eyes of other nations. They ask, what about democratic countries? What about England? Yes; in England we have no such law. But, do we realise the difference between the conditions in England and the conditions in India? Has Communism such manifestations in England as in India? Do we ever hear that due to sabotage trains have been over-turned

in England? There was only one case of such suspected sabotage of a ship in England and the whole of England was astir. I have no doubt in my mind that if there were five or ten or twenty cases at the most of such sabotage, they would have such a law in England. Here, it is not a question of sabotage only: sabotage of trains, attack on police stations, terrorisation of innocent people, operations in the dark, violence on people for good reasons or bad who help in apprehending criminals or give evidence against them. These conditions are not in England. Why do you then say that we should not have a law which does not exist in England? The conditions are different and the laws are different. So long as the conditions will differ, the laws will differ from country to country and from age to age, as they have done so far. Simply to say that because the law of Preventive Detention is not there in some democratic countries, the civil liberties are safe there, and the liberties are in greater danger in India simply because you have the law of Preventive Detention here, is to look at the problem rather mechanically and superficially. Liberties can be attacked not only by preventive detention. Personal liberty can be attacked more effectively and it has been attacked more effectively in several democratic countries of the world by a change in the normal procedural law of the country.

I am reminded in this connection of the legislation in Australia. Normally, on what does liberty rest? Trial by jury, onus on the prosecution to prove that the man arraigned is guilty, right of adequate hearing; these are the few things on which our liberties are based normally. Take away these rights from the normal law of the land and without a Preventive Detention Act, personal liberty will become a thing of the past, a mere fiction. In Australia, they passed a law in 1950 according to which declared organisations, have, no doubt, the right to go to court, but the onus of proving their innocence is on them. They have no right of appeal to the Jury. Does this law not take away personal liberty as effectively as the law of preventive detention? There is a saying in Hindi which says: "Catch the nose either this way or that, it comes to the same thing". What is sought to be done by the Preventive Detention Act has been done in Australia by a different sort of measure. Personal liberty has been limited in times of danger, and limited to the same extent as in India.

Take the law in South Africa. In South Africa, they have no right of

even going to the court. Even that limited protection which is available in Australia is not available in South Africa. When we have the example of these laws, people come and say that we are doing something abnormal and that we are not following the practice of democratic countries. I assert that we are following the practice prevalent in all democratic countries in the modern age. But, we are doing that with a difference. We have been compelled to do it because of the different situation in which we find ourselves today. Even in England, the traditional home of liberty, in 1920, in 1930, there were certain laws put on the Statute Book which offended against the traditional concept of liberty, which laws would come as a surprise to those 19th century political philosophers who built up the conception of civil liberty and personal liberty.

Dr. Mookerjee said yesterday that he was tempted to read something out of a book, but he could not find it.

I am also tempted to read a few passages from another book. This book is not written by any fascist, I can assure you.

Shri R. Velayudhan (Travancore-Cochin): The same book?

Shri B. K. P. Sinha: Another book.

An Hon. Member: What is the name of the book?

Shri B. K. P. Sinha: I am giving the name of the book; please do not be impatient. Its author is a man of repute. He comes from a country which is one of the two great democracies in the world, United States of America. He is a member of a Department of Government in the Cornell University.

Shri T. Husain: What is the name?

Shri B. K. P. Sinha: *Constitutional Dictatorship*.

Shri T. Husain: Name of the author?

Shri B. K. P. Sinha: He has made a scientific analysis of the subject. This is what he writes: (*interruptions*).

Mr. Speaker: Order, order. Let him address the Chair.

Shri B. K. P. Sinha: This is what he says:

"Civil liberties, free enterprise, constitutionalism, Government by debate and compromise—these are simply luxury products and in but a fraction of the government

of man since the dawn of history has the pattern of government and society which the American people take for granted been able to thrive and prosper."

A further quotation from the same book, Sir. He analyses the crises of war, rebellion, economic depression and then he goes on to say:

"And these are not the only crises which have justified extraordinary governmental action in nations like the United States. Fire, flood, drought, earthquake, riots, and great strikes have all been dealt with by unusual and often dictatorial methods. Wars are not won by debating societies, rebellions are not suppressed by judicial injunctions, the re-employment of twelve million jobless citizens will not be effected through a scrupulous regard for the tenets of free enterprise and hardships caused by eruptions of nature cannot be mitigated by letting nature take its course."

The name of the author is Rossitor. Most of the critics have criticised this measure on the ground of practical working. That is proceeding from the effect to the cause. In this connection, I am reminded of another story from *Pickwick Papers*. A child had a squint in one eye. It was taken to Mr. Pickwick and the parent said: "Please cure this child of its squint". Mr. Pickwick said: "Oh yes, it is not very difficult; anybody can do it; strike the head of this child off and the squint shall not be there." Simply because in practical working this law has been found wanting, simply because in some cases this instrument has not been used properly, therefore, the whole instrument and the whole machinery should be thrown away lock stock and barrel, is an argument which can never appeal to me or to anybody in this House. Is not the normal law of the land abused? Are not the normal powers, which are essential for the running of a country, abused in certain cases? Would you then say, "Give away those powers and leave everything to anarchy."

Babu Ramnarayan Singh (Bihar): That is better.

Shri B. K. P. Sinha: Then, Dr. Mookerjee referred to the case of Ashutosh Lahiri. I know something about that case and I would therefore like to deal with that. Mr. Ashutosh Lahiri is a man from Bengal. He

[Shri B. K. P. Sinha]

began to come to Delhi too often when the communal situation in Bengal worsened and the communal situation in Delhi worsened. He began to act like a shuttle cock, today in Delhi, tomorrow in Calcutta, and the day after in Delhi and the day after that in Calcutta. I know something of that case. At that time there was a meeting in Delhi and in that meeting there were shouts of *khun ka badla khun se lenge*. And after the meeting broke up and when people were dispersing, some people did take blood for blood. Several Muslims were killed. And in such a situation Mr. Lahiri was coming to Delhi and going to Calcutta, and holding press conferences or having secret discussions. It was in these circumstances that he was detained here. Whether the purpose could have been served by externing him is not the question for us. That is a matter for the executive to decide. The executive were in full possession of all the facts. They knew much more than what we do. Under those circumstances I do feel that nothing short of the step that was taken could have served the purpose. I can speak with some confidence about this case because I knew what was happening here and I was present when the case of Mr. Lahiri was being argued in the Supreme Court. Dr. Mookerjee probably due to some oversight failed to mention that in the judgment that was delivered, it was also mentioned that a few days before there had been a bad riot and some Muslims had been killed.

Then the case of Master Tara Singh was referred to. I confess I do not know much about that case. But we know the activities of Master Tara Singh. To-day he demands a separate State and to-morrow he demands a separate language. To look into the circumstances and to see what should be completely checked and what not, let us leave all this to the executive. It is only yesterday that I read in the papers that in some town in the Punjab one set of people said that in the enumeration for the census one language should be entered and another set suggested that it should be another language and this led to trouble and rioting and one man was actually killed and lot of property looted. Under those circumstances to say that only the ordinary law of the land should be used, that only the normal law should be applied, is preposterous. Let us give the executive the necessary instrument and then sit in judgment as to whether that instrument has been properly used or not.

Mr. Kamath expressed the apprehension, and some others also did so, that this measure might be used against political opponents. May I ask them this simple question: "Has it ever been so used till now?" It has never been used against political opponents, at least not in my State of Bihar. And who are our political opponents? Wherever a Communist candidate has been set up, the results of the elections are there for anyone to see. As for other parties, only the Socialist Party has prevailed over us in some cases. Has any member of the Socialist Party been detained under this Act? Does not that prove the *bona fides* of Government? It is quite clear that this instrument has never been used against political opponents. Otherwise do you think that prominent members of the Socialist Party would have been outside the jails?

Shri Sarangdhar Das: Do you mean to say that minor ones are in jail?

Mr. Speaker: Order, order.

Shri B. K. P. Sinha: I could not hear the interruption.

Well, people have expatiated and harangued that in this way you cannot check Communism. Surely this is not an instrument to check Communism. It is just an instrument to deal with what I consider a malignant growth on the philosophy and practice of Communism. Surely no philosophy can be checked. But terrorism, rapine, pillage, these whether they operate in the name of Communism or in any other name, these have to be checked and should be checked. And while checking these evils, this Government has not been sitting idle. There are so many achievements to its credit. In this connection, I would like to read out something from the *Harian Sepak*. It is in Hindi. Dr. Sushila Nayar had written this letter to the late Sardar Patel from America:

हमारे यहां कम्यूनिस्टों को जेल में डाला जा रहा है, उस से थोड़े ही कम्यूनिस्ट दबने वाले हैं। हमें कम्यूनिज्म के कारण दूर करने होंगे। उस के बिना दमन से कम्यूनिस्टों की शक्ति बढ़ेगी घटेगी नहीं।

[In our country, the Communists are being put behind the prison bars. This is not going to suppress the Communists. We will have to remove the very causes conducive to the spread

of Communism without which the Communists hold will only strengthen and will not decrease.]

And this is the reply of the iron man, the great statesman:

कम्यूनिस्टों के बारे में तुम ने लिखा है सो ठीक है। अकेले दमन से उस का निकाल नहीं हो सकता। लेकिन यह लोग हिन्दुस्तान में जिस तरह काम कर रहे हैं ऐसा करने दिया जाय तो अनेक निर्दोष लोग मर जायें। रेल की पटरी उखाड़ फेंकना, तार काट देना, आग लगाना, छिप कर यह सब करना लोगों का खून करना। ऐसे लोगों से समाज की रक्षा करनी ही चाहिये।

[Whatever you have written about Communists is quite correct. Mere suppression cannot solve the issue. If they are allowed to carry on their activities on the lines adopted by them many innocent lives will be lost. Tampering with the railway tracks, cutting of wires, arson, and murdering of people is what they are doing. The society has to be protected against such persons.]

And what is more important:

साथ ही साथ इस रोग के रोकने का भी प्रयत्न चलता है। इस तरह दोनों किस्म का काम चल रहा है।

[Simultaneously efforts are made to check their activities and thus, both these things are being done at one and the same time.]

That is what the Sardar says. It is not a question of repression only, they are also adopting measures which would do away with the situation in which these evils flourish.

I have taken a good deal of the time of the House and I will not dilate on the provisions of the Bill. They are an advance on the measure as it is. All cases have now to go before the Advisory Boards. The advice of the Board is made mandatory and in this respect this Bill is more progressive even than the British measure which was on the Statute Book during the war period. In Britain the Board's advice was not made mandatory, but here it is made mandatory. I would conclude by saying that this Bill is a great improvement on the previous measure. The situation is still explosive and demands a measure of this sort. No doubt we are living in a

democratic country, a country in which liberty is precious and we do hold liberty as very, very precious. But as I said, the situation is abnormal and in abnormal times such measures are necessary. Here I may quote Lincoln, the father of modern democracy, and my friends who are inclined to laugh may be satisfied. Says Lincoln:

"Often a limb must be amputated to save a life, but a life is never wisely given to save a limb."

When the State is in danger, the State is justified in restricting liberty to some extent. I would finish by quoting a few words from Rousseau, another great exponent of concept of liberty. Speaking of emergencies, he says:

"In such a case there is no doubt about the general will, and it is clear that the people's first intention is that the State shall not perish."

Sardar B. S. Man: A good deal has been said from both sides from a purely hypothetical point of view, for and against the Bill, and I could justify those friends who at some stage previously were supporters and ardent admirers of such a measure and who have to-day shown reluctance and a good deal of hesitation in its acceptance at the present moment. I have listened carefully to their speeches and I have found that it is not intrinsically against the measure as such that they have spoken; but a good deal of their apprehension is due to the fact that this measure, whatever the motives of its framers may be, was abused at a lower level. There is no denying the fact that this measure giving such vast powers to the executive is a dangerous instrument of oppression, if it is not wielded carefully. I do not stand for its downright rejection. Whatever emergency there was a year ago, the situation today is in no way improved to such an extent that we can remove the law from our Statute Book altogether or not extend its life for a further period of a year. But I consider that the liberalising influence which is claimed by the Home Minister has not gone far enough to remove the fangs of the law.

I shall confine myself to the provisions of the Bill which have not attracted as much notice during the debate which they deserve due to certain very hypothetical and intellectual arguments of hon. Mem-

[Sardar B. S. Man]

bers. In spite of the fact that every case will be referred to the Advisory Board, so far as the delay in reference is concerned it is allowed to remain intact. It is said that six weeks shall elapse. I am quite sure that in actual working no case will be referred immediately. Before they arrest a person Government are quite sure, they are cocksure, that the man is about to indulge in certain subversive activities or is conspiring secretly to overthrow the State or endanger the security of the State. Before arresting the man Government have got all the papers and every evidence with them to show that the man is a dangerous person. If that is so, there is no reason why the man should not be immediately informed why they are arresting him. When a person commits any over act and is arrested by a warrant, he is immediately shown the warrant of his arrest. Similarly before a man's arrest Government are quite sure that he is about to indulge in some subversive activity. In that case I fail to understand why six weeks time should be asked for before the case is referred if within six weeks he will be supplied with the grounds. As long as they are not going to build up a case after the man's arrest my suggestion is that the moment he is arrested the grounds should be supplied to him. They are reasonably sure of their grounds before they lay their hands upon him. So the moment he is arrested within 24 hours he must be told on what grounds he has been arrested. Why should six weeks elapse before the case is referred to the Advisory Board? The Advisory Board will take another ten weeks and altogether it will come to 16 weeks before it is ultimately decided that after all the man is innocent. After 16 weeks another week or two will elapse before he is set free. There have been cases where the Advisory Board has recommended that a person is innocent and should be released and a considerable time was taken before he was set free from the jail.

Shrimati Durgabai (Madras): Ten weeks only.

Mr. Speaker: Let him proceed.

Sardar B. S. Man: It says here "Government shall, within six weeks from the date specified in sub-section (2) place before an Advisory Board". And then the Advisory Board "shall, after considering the materials placed before it..... submit its report to the appropriate Government within ten weeks from the date specified in sub-section (2) of section 9"

Supposing for the sake of your argument I accept ten weeks before a person is set free, then even an innocent person is likely to be punished for ten weeks. This period should be curtailed to the minimum. He should be supplied with the grounds immediately, within one week the case should be referred to the Advisory Board and within two weeks the Board should be in a position to make its recommendations. After all it is not a court of law, where evidence is led, where there is cross-examination and protracted arguments by lawyers both for and against. It will not be a very big file and it should not take ten weeks. Supposing the Advisory Board comes to the conclusion that the man is after all innocent, he should be released at once. In a court of law when a person is found to be not guilty he is immediately set free. Similarly when the Advisory Board comes to the conclusion that the man is innocent, given reasonable time for the order to go from the Board to the jail authorities, the man should be immediately released. He should not be detained any longer after he has been adjudged as innocent.

I want particularly to draw the attention of the Home Minister to the definition in sub-clause 3. "Defence of India, the relations of India with foreign powers." If we were to accept this clause it means the curtailment of the right to criticise the foreign policy of Government. Purely from a legalistic point of view it means the infringement of the sovereignty of India. Supposing the actions of a foreign country are unfriendly so as to warrant strong criticism on the part of Indians. I might give a specific illustration. So far as Pakistan is concerned we are agitated a lot about her tactics over the Kashmir issue. We go about as politicians and mobilise public opinion that in no case we should accept the division of Kashmir or that we should not yield to the threats of Pakistan so far as Kashmir is concerned. I consider no language strong enough on that issue and perhaps it might be construed by an over-zealous district magistrate as something against the law and he might put me into jail. There is then the outstanding case of evacuee property. We say that we will not allow Pakistan to grab all our property and she should be forced to part with our evacuee property. Similarly so far as our *Gurudwaras* are concerned, it is a religious and sacred question which has agitated the minds of Sikhs. We say "Come what may, even if we have to go to bitterest lengths we will not permit Pakistan to usurp the right of controlling our *Gurudwaras*." This

very language used outside and any strong criticism of Pakistan might easily be construed as infringement of this law. I say this is my right to strongly criticise any foreign country which is in any way not amiable or unfriendly to India. I want that this phrase should be deleted.

Many of my hon. friends have raised the Communist bogey but I am not afraid of the bogey. It is not a very strong issue in Northern India as it may perhaps be in the South. But I consider that perhaps much of the odium attached to this Bill will not be so used if it were used at least as freely against black-marketeers. But the pity is that there were more Communists put in jail than black-marketeers. I am quite positive that just at present the number of black-marketeers is far greater than the Communists in our country and they are far more injurious and dangerous to the State and its security than are the Communists.

To conclude, I would say that the definition should be changed and also the vexatious delay caused to the detenu should be curtailed. If that liberalising influence is brought about much of the bitterness against the measure will not be there.

Mr. Speaker: Shri Alagesan.

Shri J. R. Kapoor (Uttar Pradesh): Sir, may I suggest one thing? The situation in Hyderabad has been referred to by so many speakers. May I request that at least one Member from Hyderabad may be permitted to speak?

Mr. Speaker: I will call upon him next. I believe I have got one name here.

Shri J. R. Kapoor: Dr. Reddy?

Mr. Speaker: But I am not sure whether he is here. He was not in the House when I came in—I made enquiries about him.

Shri T. Husain: Do I understand, Sir, that you have got a list there?

Mr. Speaker: No, no. Only some names came to me.

Shri Alagesan (Madras): I rise to speak with some trepidation. I do not know whether I shall be supporting the cause which the hon. Home Minister has at heart better by speaking than by keeping quiet. But my excuse for indulging in this common weakness of parliamentarians is that I do so for good reasons. Yesterday a very unfortunate speech was made,

and I should say that I can neither rise to the vehemence nor descend to the level of that speech. Persons who are not here to defend themselves were attacked, their character was blackened and their conduct was condemned. Rightly the hon. Home Minister and the Chair took objection to it and the House also resented such remarks. It is a sad reflection that in the very act of emphasising that a particular Act is being abused, one is likely to abuse the freedom that is conferred upon him. The special kind of freedom of speech that we enjoy is not enjoyed by others. It is enjoyed by only those who have been privileged to come within the four walls of this House and similar Houses elsewhere. It is good that we guard this right and privilege and properly use it so that the institution of Parliamentary democracy may gather respect and gain in prestige. If we abuse or misuse that right then that institution falls and declines in merit.

The other day extracts from judgments were quoted and grounds for detention were read out. The hon. Mover claimed that this Bill is directed only against those who are wedded to violence and that it will not be used against political opponents. The object in reading those extracts from judgments was to show that the Act was used against political opponents. That was the object and those extracts made an impression on the House. But I should like to present the other side of the picture to you. It was said that Master Tara Singh wants to carve a separate State and therefore his followers were detained. Perhaps the House may not be so well aware that there is a party in the South which does not want to carve out a State but wants to carve out a separate country for itself. It claims Dravidistan—something like Pakistan—and the leader of that party goes about preaching his views. The Government of his State has not laid its hands on him. As I said, this party wants not merely to carve out a separate State but it wants to go out of this country. They want to be released from what they describe as the bondage of the northerners. We all celebrated the first anniversary of the Republic Day and they celebrated it as a day of sorrow. But they were not touched. The Preventive Detention Act was not used against them. In the extracts quoted, the case of people who had held black-flag demonstrations was given. I may tell the House that whenever a Minister from the Centre visits Madras such black-flag demonstrations are held. They say they want to do it because he comes from a Government which is of the

[Shri Alagesan]

'northerners'. They do not even know who are the persons—they did not know Mr. Diwakar was from the South and they shewed black flags to him also. Even the hon. Home Minister who has a place in the affections of the people there, a very definite place, even he was not free I do not know how by any stretch of imagination the boundary of North India can be stretched up to Salem. There was recently another Minister who visited Madras from the Centre who had a boyish desire to witness these demonstrations, but he had no occasion to witness it because it was effectively prevented. So these things are happening and the Preventive Detention Act is not being applied there. That is a proof positive that this Act is not intended to be used against political opponents. The Act might have been abused in some cases but that is no excuse or argument against it.

I should like to refer to the situation in Hyderabad, though one hon. Member said that Members from Hyderabad may be allowed an opportunity to speak on it. It is a very grave situation that is obtaining there. The hon. Deputy-Speaker who was speaking yesterday said that eight districts have been affected. I understand eleven are affected. It is only the language difficulty that stands just now in the way of its spreading to other parts of Hyderabad as well. The Telangana area is fully affected and recently three other districts have been affected. The technique of Telangana, namely the armed struggle by the people, is held up as a model not only for India but for other similarly placed countries. Persons who, during the last session, saw the arms captured from those areas would not be in doubt about the methods and motives of those who have used them or who have placed them in the hands of innocent persons to be used against the people. The number of murders in that area has increased three-fold as between 1949 and 1950. The number of such murders is more than 250. There is a community of hill tribes there called the *Koyas*. They were helping the communists formerly but now they have turned against them and are giving information to the police. For that reason many murders have occurred in that community. Even old women are not spared.

We all welcome the provision for parole that has been introduced in this Bill. It is a provision which all of us who have been inside the prison for a

number of years will value very much, but there are some cases where people who have been released on a short parole have not observed the condition of parole and have had to be re-arrested. There are cases of persons who have been released as a result of *habeas corpus* proceedings in the High Courts but who were subsequently found to have committed murders. This is the situation that is facing us today and we have to combat it.

It was said that only those who are at present High Court Judges or who have been High Court Judges should be appointed to the Advisory Board and no prospective Judges should be appointed. I should like those who suggested this to consider the other side. I would go to the extent of saying that only those Judges who have lived in the areas affected for at least one year should be appointed, because they would be able to balance the requirements of the practical situation that obtains there with the requirements of the law and the question of personal freedom. It is only those persons who have held this law to be *ultra vires* of the Constitution and who have held the provisions of the previous law to be *ultra vires* of the Constitution that are going to be entrusted with the task. Nobody can accuse them that they will be partial to Government, but it would really help them to interpret the law and adjudge it better if they actually go and reside in the affected areas.

Prof. Shah said the other day that ours is an imitation parliamentary democracy. He ridiculed our democracy. He said that there may be other forms of democracy and other forms of Government than what we are accustomed to and those institutions may be better and therefore we should not be so blind as to refuse to see the other side. This has become a common jibe against our Parliament. People say that we have huge majorities with no opposition worth the name, although I feel that Prof. Shah when he made that remark, rather unnecessarily underestimated his own usefulness as an opposition in this House. Even this morning, I saw a Madras paper criticising that we are suffering from huge majorities and this paper has contrasted this situation with the one obtaining in England, where there is a party with a slender majority. This is not our fault. As soon as our freedom was obtained, nothing would have been easier than for this party to convert itself into a Fascist Party. Nothing

was against it except its own history, background and tradition. Let this be very clearly understood. This Parliament has been called upon to discharge a very difficult and delicate task. In the absence of an opposition, it has to function as an opposition within itself, because there is no use in artificial oppositions. Because we do not have an opposition, we cannot create an artificial opposition. There are opposition parties in the States today which are not real opposition parties at all, but based on old patterns which have become obsolete. There is no use having such oppositions. In such a difficult situation, this Parliament is functioning and playing the double role of the Government as well as the Opposition, and it has discharged its functions, I should say, with great credit.

Nobody need doubt the vigilance of this Parliament. It is well to remember—because these things are likely to be forgotten—that the vigilance of this Parliament cost a Cabinet Minister his seat. Again, the costly experiment in pre-fab housing had to be given up and halted and that was also due to the vigilance of this Parliament. Again, in the case of sugar and jute, it was the vigilance of this House that prevented Government from entailing further losses. I can go on enumerating. These are no mean achievements. These are achievements worthy of a real political opposition.

Shrimati Durgabai: The Hindu Code also was stopped during this session due to the vigilance of this House!

Shri Alagesan: These things are possible because we have been playing a very unprecedented and unique role in the history of democracy and it is a difficult task for us, because when we agree we are condemned as docile people agreeing with everything that Government bring forward, and when we oppose we are often ridiculed for opposing our own Government. I think it was because of this double role that we have been playing that even the hon. the Home Minister was led for a moment to refer to this Parliament as apart from Government. That cannot be. This Parliament, just as it shares the praise for the achievements of Government, has to share the blame that attaches to it. When big things are achieved, we cannot take credit for them and in a moment of difficulty we cannot turn round and say that it has been done by Government and that we really opposed it on the floor of the House and we have nothing to do with it. That would be a very unreasonable attitude. The Prime Minister of our

country, a mere man, stood between two lions and prevented them from engaging in mortal struggle. We rightly take credit for that achievement, but when the Food Minister reduces the ration we have naturally to take the blame also. Especially the Members of Parliament from Madras were blamed on the floor of the Madras State Legislative Assembly for having failed to induce the Government of India to allot more food-grains to that State. So, not only this Government, but any Government which is wedded not to a Fascist mode of ruling, but to the mode of governing by persuasion and argument, will have to take this step. It is a very delicate step. It is a very unpleasant step. If I may say so, when yesterday parables were being flung at the Home Minister, I was reminded of the old proverb, "Carrying coal to Newcastle", because there is none in this country who is a greater master of parables than our Home Minister and nobody uses them to greater effect. I should like to recall a very delicate situation in our old epic such as the one that obtains at present: Whether Vali should be killed or not? And the poet has argued the case for both sides very cogently and he has decided that he had to be killed. He had to be killed because further and greater battles had to be won. Similarly, we who have even as a party struggling for freedom abjured violence cannot tolerate violence and violent methods. Hence we have to take this step and we have to take it because we want to gain further and greater battles in the reconstruction of this country. I beg to submit that that is the justification for this restricted measure before the House.

With these words, Sir, I support the motion moved by the hon. the Home Minister.

Dr. M. C. Reddy (Hyderabad): I have risen to speak at a very late stage of the debate when the House has been tired by speeches on this Bill for the last three days. I should have thought that being an emergency measure, this Bill should have commanded the support of the opposition Members also...

Shri T. Husain: There is no opposition here.

Dr. M. C. Reddy: I am sorry. I mean those hon. Members who try to keep themselves in opposition terms because of their affiliation or connection outside Parliament with some political parties.

Dr. Deshmukh (Madhya Pradesh): They support by opposition.

Dr. M. C. Reddy: I understand that also. Support by opposition is also there. In a way it is probably Virod Bhakti.

This Bill is such an important one and the previous Act has been relieving communist menace in certain parts of our country, particularly Hyderabad to which reference has been made by a number of hon. Members. In a vast country like India, passing through a period of transition, the question of law and order presents a serious problem. We have achieved independence by a wonderful method—a method which has been appreciated all over the country, a method which has no parallel either in the history of this country or any country in the world. For a number of centuries past the masses have been ignored and neglected to such an extent that they are not able to appreciate the significance of democracy, the contents of democracy, or the responsibilities that independence has brought in its wake. It was to this aspect of the problem that the hon. the Home Minister made a reference in his opening speech: he could never have made any insulting reference to the masses or that they are unintelligent. And it was hardly necessary for any hon. Member of this house to have come forward to champion their cause.

4 P.M.

Hon. Members of this House coming from the various parts of the country are well aware of the situation prevailing in the country. The hon. the Home Minister referred to an appeal sent by certain respectable citizens and eminent members of the Calcutta Bar, and he was perfectly correct in referring to the tactics adopted by these people. I regret some hon. Members took exception to that. I would in this connection like to submit to the House that this is a tactic in which the communists have specialised. I do not claim to know the particulars about the signatories to the appeal. But I know such things are happening in Hyderabad State—eminent leaders and good citizens and even some Government Officials being led astray, in such a way. I have seen many cases where communist activities are carried on in the shape of literary conferences—Progressive Unions etc.—Hyderabad State Government had to take serious notice of this and issue a warning in a communique.

In fact, communists have their own way and technique. They go into any and every organisation, every class

and every mass, and try to play on the feelings of the people. Therefore, when the hon. the Home Minister made a reference to that appeal in those terms, I should think he was perfectly justified in doing so. They profess to be the champions of civil liberties, without understanding what civil liberties exactly mean.

I was rather surprised to see Prof. K. T. Shah, for whom I must submit I have great personal respect for his learning, wisdom and knowledge of parliamentary procedure, taking the stand he did. He expressed his appreciation for Sardar Vallabhbhai Patel. I would only draw Prof. Shah's attention to the words that Sardar Patel used—particularly his reference to the civil liberties—when he was replying to the debate on the Presidential address. I would just like to quote his words:

"I love the civil liberty of my people more than anybody. But I cannot sacrifice or put the civil liberty of millions in danger for the liberty, for the criminal liberty of a few who, to my mind, are fanatically and lunatically inclined."

I wish Prof. Shah, when he was expressing his views, had read these words. It would also have been in the fitness of things of democracy for him to have given his fullest support to this measure instead of suggesting that it be sent for circulation,—particularly when he admits in the same breath that a majority of this House is in favour of this Bill. I, therefore, fail to understand his way of dealing with these things.

I was also surprised to hear him referring to some article of Shri Mashruwala in which he has expressed himself against this Bill. I am really sorry to see Prof. Shah quoting from the articles of Shri Mashruwala who is an embodiment of truth and non-violence and who is an embodiment of purity of thought and an embodiment of purity of means and ends and at the same time asserting that secrecy is not a crime. Prof. Shah at any rate supports such things, though he has made it clear that he is not personally associated with them. So, just quoting Shri Mashruwala or appreciating Sardar Patel without appreciating or understanding their philosophy or teaching is hardly doing justice to those great men.

The appeal from the lawyers of Calcutta which the hon. the Home Minister read out, makes a reference that this House is full of "one-party"

and "yes" men and therefore the Home Minister will not have any difficulty in getting the Bill through. This is one of the methods which the Communists have always adopted in their tactics. They would like to dub certain persons as "Yes-men" and appeal to their weaker sentiments, so that even if they do not wish, they may raise their opposition. Mr. Alagesan has very clearly shown a number of instances where this House has been assertive. Therefore for some Calcutta-walas to say that we would simply say yes to any measure brought forward by Shri Rajagopalachari is uncharitable, or rather indecent. It has also made a reference to civil liberties and how this Government has been ruthlessly trying to suppress them.

Then it is complained that there is no freedom for the Press. I am surprised that this statement should have come from Prof. Shah, coming as he does from Bombay where there are a number of journals coming out—I beg your pardon for using this language—with stinking vulgarism day in and day out, coming out with news full of untruth, full of misconstrued things, full of inventions or creations of their own imagination. Still, such papers are being tolerated by the Government of India and by the State Governments. If people still say that civil liberties are stifled, I do not know what their conception of civil liberties is.

Similarly in regard to freedom of speech. There is ample freedom allowed and in fact men belonging to certain political parties are indulging in extremist speeches, which will not be tolerated in any other country. But we are tolerating them and allowing them the fullest possible scope. Unfortunately, these are misused. The Communist Party preach in their pamphlets and their actions are full of violence, secrecy, trickery and that is why we take serious objection to this and we support and commend the purpose of this Bill. In Kistna district in the Madras Presidency the Communists have been issuing literature on how to commit brutal crimes. First of all how to take the eye first, then the ears, how to break the head and how later on to torture and strangle a person. This is all intended to terrorize the people in that locality and all this is done by the Communist Party.

A number of Members of Parliament have always been speaking of the scarcity of food, the scarcity of cloth and a number of such things.

But this Communist Party has always sought to worsen and exploit the situation for its political and Party ends. In Telangana, to which references have been made, there are dance songs in which they say that Sardar Patel, Jawaharlal Nehru are dead and their tombs are there and this is the way in which they incite the masses. I just mention this by the way to suggest how we are to fight with different political parties and particularly the Communists who call by names veteran leaders of our country. I may just refer to an hon. Member of this House, Mr. Venkat Ranga Reddy, a veteran leader of the Congress whom they called by names, just because he used to organize against the Communists. In every village they used to call a dog by his name. They first of all start a Kisan movement and they say they are working for the poor people and they are fighting the capitalists, they are fighting the rich people. Four or five years back they started a movement called the Kisan movement and today the whole of India is suffering from their treachery. They were carrying a slogan that they were within the Congress. In Telangana they joined hands with other Congressmen and later on they developed their own tactics. Today I can give you a number of instances where thousands of people have been murdered, and particularly poor *kisans* and labourers who have not even a cent of land of their own and who have no house to live in, have all been murdered. I will give you instances of two or three cases. In Telangana in Vengannapalam village of Yellandu Taluk, the Communists murdered an ordinary man and caused injuries to two others and then jewels were snatched from the house of the deceased. The four other houses in the village were set on fire. It is not only that. They burnt the food grains. Similarly in another village of Ghilkurthe, they set fire to hay racks belonging to certain individuals because they did not pay towards the Party Funds. Similarly in Viralguda there is another case in which they shot dead two women by name Buchamma and Kamamma and seriously injured Narasimha Reddy and his brother Lakshma Reddy. Last year on the 27th January 1950 in Gumpina village of Warrangal district, 12 Communists in black dress and fully armed went into a village. Four of them raided the house of one Ramudu. They caught his wife and gagged her mouth and looted property worth Rs. 75. You can imagine how rich they must have been to loot Rs. 75 from a house. Similarly they went into another house, they belaboured the inmates and took away cash of Rs. 100. In the same village wife of

[Dr. M. C. Riddy]

one Tegala Rajrih was raped by them. These are the things they indulged in. Still if in the fair name of civil liberty and democracy, we say that this Government has been doing certain things which it should not have done or some officers have been using the law in an improper way, it is for the hon. Members of this House to decide.

[PANDIT THAKURDAS BHARGAVA in the Chair]

I would tell you of the difficulties that we went through when we organized the Congress Home Guards. These Communists go there in Police uniform, take one Communist with them and tell the people "I am a Police Inspector. I brought this Communist." When the people hear this the whole village comes out and the Home Guards are shot dead by the Communists. I submit that over a thousand Congress workers have been murdered by these people when they were defending the people. I have a picture before me of a number of cases, where valient soldiers, young men, who sacrificed everything to fight the communal autocracy of the Razakar regime, were murdered by these Communists. I will refer to one very young man, over six feet, Mr. Prakash Rao of Warrangal District. He went to the village, he was just having his food and it was hardly 8 p.m. in the night and he was murdered. Here, the other day I was carefully listening to Sardar Hukam Singh and Prof. Saksena and the latter was referring to four or five workers of the Labour Unions who are neither Socialists nor Communists who had nothing to do with the isms. Prof. Saksena feels for them and he is right to some extent. I do not claim to know the details nor would I like to dispute the case. I would submit to Prof. Saksena and to Sardar Hukam Singh how far they would justify the actions I referred to. Do they feel as Congressmen would feel about it when over 1,000 workers have been murdered by the Communist Party. Should we not support this Bill. In most of the jails the followers are inside but the leaders are out. While they are inside they are quite happy; they are comfortable; they are given a number of facilities which all these Congressmen were not given. They did not know whether their relatives were alive or not. These Congress-wallahs when they were inside were not given any detention allowance or anything of the kind. They were suffering and starving. To those champions of civil liberty such as Sardar Hukam Singh and Prof. Saksena, if they are really

champions of civil liberties, I would appeal to them to bear with Government, to co-operate with Government and make common cause with them to put an end to this inhumanity, against the barbarous, treacherous acts of this particular Party. Instead of condemning Government, they must strengthen Government to help it achieve good results. I have also heard very carefully a number of hon. Members who have said that this Preventive Detention Act will not do to meet the Communists.

Here in Hyderabad, with the meagre facilities or funds, we are facing these problems. I would invite hon. Members to come and see what is happening in Warrangal where we have brought together many tribal areas. We have started colonies where the tribals are given facilities for education. We have a modern type of planning of the houses for them which do not cost more than Rs. 300 or so. Now we are bringing round those people who were neglected as tribals for a very long time. The late Thakkar Bapa was doing great work for the amelioration of these Koyas and other tribal people. We in Hyderabad also are doing much for them. It is no use asking, "Will this Preventive Detention Act and jails alone do?" No. We are quite conscious of that. Government is also conscious of that. The public workers are also conscious of that. The Congress workers are also aware of that. We are not going blindly. But, if you just do that work only and do not look after these people, their criminal tendencies and their criminal activities, I submit, all the good work would go in vain and the people will not be able to advance much. What did we say when Bapuji was assassinated? Did we not accuse Government that they had not given him enough protection? What reaction did you show towards Godse? Did we not say that he should be condemned? Therefore I appeal with all humbleness, in this situation, to all right thinking people, to the fortunately educated people that they must rise to the occasion and put off their differences and meet to improve the situation as such.

I have to refer to one thing more which is very painful. It is said, why not try those people and why have this preventive detention. We know what trial in a court is. I do not mean to cast any aspersion against the judges. But, we know what kind of prolonged procedure we have to adopt. And even if we adopt all this procedure what happens. I should like to refer to the case of the twelve people who have been sentenced to

death by the Hyderabad High Court and later on confirmed by the Supreme Court. What is the attitude that we have been seeing around us? The hon. Shri Jawaharlal Nehru went to England and there he found slogans saying that the Telangana *kisan* heroes should be saved. Are these people the *kisan* heroes, people who have been sentenced to death by the High Court and the Supreme Court? Still we uphold them. We are completely complacent and we are upholding them as the Telangana *kisan* heroes. I would say again, when all this procedure has been gone through, when death sentences have been awarded and made final, we go on upholding them in this way. When you do not do all that, but detain them for some time, we again raise objection. I would ask, how would you expect that we should really go ahead and do things.

It has been said by a number of hon. Members that there should not be a tyranny of the majority party. I would also like to submit most respectfully that there should not be tyranny of the minority party also. I am not really able to see how, for the cut in ration, a socialist procession could help. If really we have sincerity in us, let us sit together and try to evolve a solution. Instead of that, I have been wondering how marches and all that could help. An hon. Member said that an exception was not made and permission to take out a procession was not granted. In case of that even an exception had been made and permission given, I would have held it as objectionable. But, the hon. Member claimed that exception should have been made and that too to take out a procession to meet the food situation. Therefore, I should say that there should not be a tyranny of the minority also. No party should tyrannise. We welcome opposition and if it grows, we will give them all chances; in that way we will be able to make progress.

Only one word more about parole. These Communists, as we have seen them, they do not believe in parole. Once they go out, they go out for ever. That is their policy. I should like to utter a note of warning to the hon. Home Minister and other people in this respect.

With these words, Sir, I give my fullest support to this Bill and I thank you, and the other hon. Members who have pleaded for me to get a chance to speak.

Shri T. Husain: Sir this morning, the Chair suggested that the speeches should be brief, to the point and that

there should be no repetition. I am afraid that advice has not been followed so far. I am going to be very brief, and to the point; in fact, I will make no speech, but give the bare points and shall not repeat what has already been said in the House.

The last point that the last speaker made was with regard to parole. That is dealt with under clause 12 of this Bill. Yesterday, Mr. Ananthasayanam Ayyangar made a very impassioned speech in support of this Bill. I entirely agree with every word he said, because I too support the Bill, except on one point. He supported even clause 12 which deals with parole. It says that a detenu may be allowed to go with or without surety during the term of detention. Mr. Ayyangar told us all his experiences in those days when the British regime was here, how he was detained, and how he was looking forward to going home on parole. But, I am afraid that Mr. Ayyangar has forgotten that those days were quite different from these days. They are two different things. In those days, the Congress was fighting for independence. They were fighting the foreigners and they wanted to get rid of the foreigners from this country. What is happening now? They are all Indians; there is no question of foreigners. Now, terrorists are fighting us; in those days terrorists were not fighting the Government of India, but peaceful people who wanted their country to be free, in a most constitutional way. I say they are two different things altogether. Congressmen were doing things openly. There was no secrecy in that. These people who are against us are doing everything secretly. How can you compare these two things? The Congressmen were doing everything constitutionally; these people are doing everything violently. If parole was given to a Congressman, he could not go away anywhere; he had no arms to take with him. He was within India. But, now, see the difference. We have enemy countries all around us. The country has been partitioned and unfortunately, there is no friendship between these two countries. What will happen? If these people who are in detention, are allowed to go on parole, they will march straight into the enemy's country, and not empty-handed, but with arms and ammunition and hand-grenades. And these people will be encouraged by the enemy countries to do everything against India if possible.

Under clause 12, it is stated that the detenu may be allowed to go out temporarily with or without surety. The words 'without surety' are embarrassing. I would even welcome that they should go away and leave our

[Shri T. Husain]

country; but they will not go empty-handed; that is the danger. It is said that if they go with surety, they have to execute a bond, and that they have to surrender on a particular date and that if they do not, they are liable to imprisonment for two years. These things will not apply because they will not be there. I would strongly suggest to the hon. Home Minister in charge of the Bill to delete clause 12—entirely from the Bill. No person who is an enemy of India, who is a terrorist, should be released on any condition whatsoever. We are a democratic country and in a democracy the people are the masters of the country and Government are merely their agents. If the people do not like a particular kind of Government it is easy for them to change that Government. But they must bring about the change only by constitutional methods. There is no other method by which a Government should be changed; they should not be violent or use secret methods. If you overthrow a Government by violent and secret methods it will only produce chaos and it is the duty of Government, the primary duty of Government, to prevent chaos, and as the ordinary law of the land is not sufficient to prevent chaos special laws have to be enacted. Therefore, I welcome this Bill and if they had not brought in a measure of this kind, they would have been failing in their duty. To-day the food situation is very bad. If it becomes worse there will be famine in the country and people will die in thousands. What is the duty of Government? It is its duty to prevent famine and anyone who causes a deterioration in the food situation must be detained. That also is the primary duty of Government.

It has been suggested that this Bill is against Communists and strong speeches were made, especially by my esteemed and revered friend who sits to my left. But I do not find anywhere in this Bill the word "Communist" mentioned. It is only said that this measure is against those who act in a violent manner. Babu Ramnarayan Singh the hon. Member who sits to my left, said that Government has done nothing so far. I am sorry to say I do not see eye to eye with him. I am of the opinion that ever since Government has taken up office it has done everything in its power for the country, everything for the good of the country. The only wrong thing that it has done is the abolishing of zamindaries.

Yesterday I heard the very able and learned speech of Dr. S. P. Mookerjee. I had always been a great believer

that the terrorist movement must be wiped away from the country. Why from the country! From the whole world! But when I listened to that able speech I was very much impressed. I was shaken in my belief. What was it that he was trying to prove? Was it that the terrorists are a legitimate people and that they should not be detained? Then I thought for a moment and it suddenly struck me that, well, about a year ago, when this very Act, which is now in existence and which is going to be amended and which expires on the 1st of April next, was being brought into the House and discussed, Dr. Mookerjee was a part and parcel of Government then and he gave the measure his fullest support. And this Bill now before us is a much more lenient measure. Then why should he oppose the present measure? And then I understood that it was not the fault of the Bill or of Dr. Mookerjee, but it is the fault of the place he was occupying. When he was sitting there he spoke like that and when he is sitting here, he is speaking like this.

Shri Sidhva: Well, you were also for partition once.

Shri T. Husain: No, I was never for it. I was against partition. The hon. Member to my right knows it as he helped me to win the last election.

Well, Dr. Mookerjee in the course of his speech said that in England they do not have such wide powers of detention. My answer is that there is no comparison between England and India. There is no terrorist movement in England. If they want to change Government they always do it by constitutional methods, and a Bill like this would be redundant in that country. And it is only against violent men that we have brought this Bill here.

Another query that was raised is, what is the reason that terrorists are spreading all over India? My answer is this. India has attained independence now. It is now a democratic country. Before that we did not know anything about democracy. This is the first time that we have democracy in India and if the report is correct that the hon. Home Minister said that the people are not sufficiently intelligent, I entirely agree with him. We are not sufficiently intelligent. We do not know how to act constitutionally. We will learn it, by and by. People will learn what democracy is. But at present it is absolutely essential that a measure like this should be brought in because people do not know how to proceed, and how to overthrow a Government in a constitutional way.

Another point referred to by Dr. Mookerjee related to procurement. He related a story of how as an eye witness in a village he saw the Government of Bengal trying to procure grain and how it was objected to by the tenant and the person who thus objected was detained. He said if such men are detained, Communism would increase. But my view is just the opposite. If you do not detain those who oppose procurement, then you will never get any grain and you will not get food for the people and then Communism is sure to increase.

My hon. friend Mr. Anthony related the case of a District Magistrate who detained the husband—his rival—as he was in love with the wife. Whether that story is true or not I do not know. But what I say is, if the District Magistrate wanted to do so, he could have done it even under the Indian Penal Code. Then does Mr. Anthony suggest that we should do away with the Indian Penal Code just because under it a District Magistrate can bring in a false case against anyone? But I have heard another story which may be equally false, that the District Magistrate's wife was in love with the neighbour and therefore the District Magistrate put that man away in detention. If I had been the Home Minister, Sir, and if the District Magistrate had done that, I would have promoted him.

Shri Tyagi: On a point of order, Sir. This being a cock-and-bull story for which there is no proof, should it be repeated on the floor of the House?

Shri J. R. Kapoor: The hon. Member himself said that it is a false story.

Shri Syamnandan Sahaya (Bihar): It is not a cock-and-bull story, but a cock-and-hen story!

Shri T. Husain: And then Mr. Kamath said that we should not give such wide powers to the executive. If you do not, then how are you going to control the terrorist movement in the country? That is what I want to know. Is there any other method of doing it? There is no other method. He also said that there will be no fair and free elections if these powers are given. Why not? Will the Ministers go to the executive authorities and tell them or the District Magistrates that so and so should be put under detention because they are their political opponents? Certainly not. We have got a better opinion of them. And the executive have no axe to grind. Why should they detain those who are the opponents of the party in power? What have they got to do with them? If this Bill is not passed I am sure—and everybody in the House will agree with me—that at

the time of the elections the opponents would use violent methods, which would be dangerous to society.

My hon. friend Prof. Saksena said that such a law could only be used when the President declared a state of emergency or when there was a war. When the President has declared a state of emergency this law would not apply: it would be superfluous and redundant, as everything would be at a standstill. As regards war, there is a war on. We are at war with the terrorists. This is the time when the Bill should become an Act. This war is a secret and underground war and we want to finish it. We should show no sympathy with our enemies, who are terrorists. If my friend Mr. Kamath sympathises with those people they are encouraged and they think that Government is weak.

In the end I will say a few words about the Advisory Boards. I quite agree that it would be better no doubt that only Judges or ex-Judges should be appointed. People who are advocates of five years standing (*An hon. Member:* ten years.) are entitled to be Judges and there is a provision in the Bill to have them as members of the Board. But the Board should consist of Judges or ex-Judges, as High Court Judges are not always available.

As regards detenus they should be allowed—of course they are allowed even now—to appear in every case. It is for the Board to call for whatever report they like. But the cases should be tried *in camera* and not openly.

Shri R. Velayudhan: I was trying to reconcile myself with the Preventive Detention (Amendment) Bill introduced by the hon. Home Minister, Shri Rajagopalachari but in spite of my internal persuasion I could not at all reconcile myself with the Bill and I am sorry to say that I have to oppose it tooth and nail.

The Deputy-Speaker on the scope of the Bill said that we could talk about the extension of the Bill, or whether it was justifiable on the part of Government to bring an amending Bill like this. I shall confine myself to one or two new points.

I come from that part of India which is pestered with the so called Communists. The House may be aware that from Kerala came the ardent and staunch Communists who are active throughout India. I was told that the communists who are organising activities in Burma and in South East Asia are persons who hail from my own province.

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I have been thinking about the condition in my State and wondering whether this Bill can justifiably be applied in my State. Today if a referendum is taken in my State I have no doubt that 95 per cent. of the people will oppose this Bill and they will openly say that they do not want this Black Act for their State.

Shri J. R. Kapoor: That is because Communists grow there.

Shri R. Velayudhan: I am not against Communism as such. I do not think our Constitution bans a political philosophy which is openly observed in the country. If Government want to ban the Communist Party let them openly do so. But they have not the courage to ban the Party. They have brought a Bill which can be applied to all and sundry, which kills the Fundamental Rights of a citizen by putting him in jail without a trial or even an appearance before a magistrate or sub-magistrate. I can tell you some of the most staggering examples of the use of the Detention Act in my State. I have interviewed some of the persons who had been detained and have since come out of jail. I am not opposed to detention as such, if it is only keeping a man in a comfortable place. But what I object to are the horrible tortures the like of which we have heard relating to the tortures in the Belsen Camp as also by Japan in China. It is that type of torture that these people who believe in an ideology have to suffer in the jails and detention camps. Even innocent people, even Congressmen are not out of it. A friend of mine, an ardent Congressman, who was working with us in the election for Congress was one night taken away from his house and has not been seen up to now. People say that he was killed in the jail but the man has not been traced at all. He was a labourer in a mill where I was working as a Labour Officer. He was doing some adult education work and was a Congressman himself.

Shri Sidhva: When was that?

Shri R. Velayudhan: This story I have published in the papers in Kerala as a statement.

Shri Sidhva: What year?

Shri R. Velayudhan: This year itself. I can tell you another example about the working of the Detention Act. A husband and wife along with their father were going to a temple. A police constable took those people from the road to the station and it is said—the story has been widely pub-

lished in the State—that the woman was raped in the presence of the husband and father. No action was taken by the executive or the magistrate or by the party in power against the offenders. All these heinous crimes are committed under the Detention Act.

Shri Sivan Pillay (Travancore-Cochin): My hon. friend's activities are generally more outside the State than within and so he may not know much about the State.

Shri R. Velayudhan: If the hon. Member stands for election in my State I can tell him that he will not be elected in the State, whereas I will be elected. I stand for democratic principles and I support the people's cause. Our people are not violent people. The people of Travancore-Cochin are a most cultured and peaceful people. If Communism thrives there it is because of Congress maladministration during the last two or three years.

I shall bring before the House another example. There was a humble agriculturist who had an estate in Malabar. He was a neighbour of mine. He was standing at a bus stand and a Police Inspector happened to pass by. The man did not stand up. When the Inspector went to the Police Station a constable was sent to bring this fellow to the Police Station. After two days, only the man's dead body was found on the road.

Shri Alexander (Travancore-Cochin): Are those due to the Preventive Detention Act?

Shri R. Velayudhan: Yes, they are because of this Act. Nothing of the kind has happened in the State before the introduction of the Act.

Mr. Chairman: The hon. Member need not take notice of interruptions. I would request him to proceed with his speech.

Shri R. Velayudhan: I do not mind the interference, Sir. Those gentlemen have no place in my State at all in the next elections.

Shri Alexander: Is the hon. Member sure whether he himself will get elected?

Mr. Chairman: Order, order. The hon. Member is not giving way. He should not interrupt him.

Shri R. Velayudhan: The party in power in my State has not been able to help the starving people. It is not a small matter, that more than twelve

big temples were demolished in my State which has got an ancient culture. No action on that was taken by the executive there. This Act could have been applied on the culprits.

My grievance is that this Act is being used by the executive against anybody they like. It is used for injustice and not for justice. When I saw the list of detenues in my State the other day, I found that there were very few of them at the moment—not more than 21. But thousands were not detained but arrested from their homes at dead of night, taken to jail, kept there, and after four or five days safe custody in lockups sent to out of the way places or killed outright. They were not actually detained though all these things happened in the name of the Preventive Detention Act. When I saw these things happening in my State, I represented the matter to the then Home Minister, Sardar Vallabhbhai Patel. I am glad to say he rightly reacted to my representation. Later on when I returned to my State, the local Police Officer was telling me, "Mr. Velayudhan, you have done a good thing. Now we are lecturing to the policemen to be courteous to the people as you congressmen lectured to the people during the agitation period."

I have to bring one thing to the notice of the hon. Home Minister. If this Act is applied in the State of Travancore-Cochin where irresponsibility is reigning in the name of a Congress Government, they will misuse the provisions of this Act not only against their political opponents but even against innocent people.

The hon. Home Minister was telling us that we have danger from a section of the people. But I have personally nothing against communism. It is a force today in the South-East Asian countries. India cannot ignore it. Big changes are taking place in Asia and we cannot say whether communism will be accepted by India in the next five or ten years. But I would say that the danger to the country today is from within. I would say that our enemies today are the Congressmen and the Congress Governments ruling us today. Who are the blackmarketeers? How can there be blackmarketing in the country if Government is not supporting the blackmarketeers? (Hon. Members: No, no). It is not a question of "No, no". Everybody in the world knows it. (Interruption). I am not going to yield to the hon. Members. I am going to express my views. I repeat, without the support of the Congress Government, how can there be blackmarketing in the country? (Hon. Members: No, no). Do we not

know of the stories of corruption given in the Madras Assembly? Stories after stories, instances after instances, were quoted by the veteran leader Mr. Prakasam. But what have the Government of India done about it? What have the Madras Government done about it? If there was any sense in Government, any honesty in Government, it should have resigned immediately after such allegations against them.

When I asked a magistrate about the working of this Act, he said he was helpless, he was at the mercy of a police officer like a sub-inspector or even a head-constable, and that he could not do anything. There was a case which came to me, of a friend of mine who was arrested but who was completely innocent. When I went to the magistrate he said he was helpless in the case even though he knew my friend had not indulged in any subversive activities.

Shri Kishorimohan Tripathi (Madhya Pradesh): Sir, the hon. Member is completely irrelevant to the subject under discussion.

Shri R. Velayudhan: I am quite relevant. These are all instances pertaining to the working of this Act. Now this magistrate told me that the police have made a mockery of the judiciary. He said, "I am only depending on the report of the police sub-inspector, and, of course, the Preventive Detention Act is there." Therefore, this Bill is intended to create a Police State in the country. Those patriots who want peace in the country, those patriots who want democracy to thrive in the country, they will have to oppose the Bill. They cannot in any way support it honestly. I am against communist violence in Hyderabad. But in Hyderabad you have emergency powers. You bring all the police and the military forces there to check that violence. The other day a friend of mine coming from Hyderabad—a responsible gentleman, a leader in the State—was telling me that in Hyderabad the communists are not shot down but the non-communists, innocents, are shot down. There is abuse of these powers everywhere. In Hyderabad they are not finding fault with the communists but with innocent people. In my State there is a communist comrade who is still at large—nobody could trace him out. Another communist, Nambudiripad, is also hiding. Every day the police say that he is hiding in this house, that house or some other house and search the houses but they cannot trace him out. Where is our efficient police? Our police can only kill innocent people, they can only harass people, they can only molest women. I have nothing against your bringing

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forward emergency measures to put down violence. But let not the innocent people suffer because of it.

There is another thing which I want to mention. Ever since the Congress Governments came into power, the people are in a terrible psychological morass in the country. Why should the Treasury Bench not make the people feel that the administration is aware of the country's problems? Why cannot you do something to enthuse the people? There is a grave food situation in the country. The other day I gave notice of an adjournment motion about the starving people in the country. Lakhs of people are today at the point of starvation. What emergency measures have Government taken for this. In the name of one or two hundred communists you are passing this measure to suppress the civil liberties of the people. But when there are

thousands of people dying of starvation you simply keep looking on and do nothing. There are various problems in this country which Government should tackle quickly. I am also willing to co-operate with them, but at the same time Government should come forward courageously and sit down to work. They have failed so far and I have grave doubts whether they will be able to succeed. Internationally the Preventive Detention Act is a blot on the Nehru Government. Pandit Nehru has a great name as a democrat. It is unworthy of Pandit Nehru's Government to have this legislation on the statute-book. I think he must personally intervene in this matter and see that India becomes a democratic State, a decent State, a civilised State.

The House then adjourned till a Quarter to Eleven of the Clock on Thursday, the 15th February, 1951.