



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

---

VOLUME I, 1952



(5th February, 1952 to 29th February, 1952)

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Fifth Session

of the

PARLIAMENT OF INDIA

1952

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## CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), Fifth Session, 1952

In Volume I,—

1. No. 2, dated the 6th February, 1952,—

(i) Col. 23, line 33 for "to provide for" read "further to amend", and in line 2 from bottom for "further to amend" read "to provide for".

2. No. 5, dated the 12th February, 1952,—

(i) Col. 309, for existing last line read "chancellories or in government, but"

(ii) Col. 362, line 31 for "Kamth" read "Kamath".

3. No. 6, dated the 13th February, 1952,—

(i) भाग ३९१, पंक्ति १५ में "एम जुनही" के स्थान पर "जुल्म नहीं" पढ़ें ।

(ii) भाग ३९२, पंक्ति २५ में "बतक" के स्थान पर "बक्त" पढ़ें ।

(iii) Col. 443, line 8 for "ony" read "only".

(iv) کالم ۳۷۲ آخری لائن کے شروع میں وہ ملی ہیں ان کے متعلق یہ پڑھیں —

(v) Col. 529, for existing last line read "excess of such moisture as may reasonably be expected, by watering the".

(vi) Col. 530, insert "both parties are protected. They pro—" as last line.

4. No. 8, dated the 15th February, 1952,—

(i) Col. 648, after line 7, insert "this demand has come before the House today, that".

(ii) Col. 658, line 32 for "OUTLAY" read "OUTSIDE".

(iii) Col. 659, line 6 from bottom for "Jagivan Ram" read "Jagjivan Ram"

(iv) Col. 676, last line for "liament" read "Parliament".

(v) Col. 686, line 16 from bottom for "Gapalaswami" read "Gopalaswami".

5. No. 9, dated the 18th February, 1952,—

(i) भाग ८०३, नीचे से पंक्ति ४ में "जचित राम" के स्थान पर "अचित राम" पढ़ें ।

6. No. 11, dated the 20th February, 1952,—

(i) भाग १००७, पंक्ति ९ को "की जरूरत है" पढ़ें ।

7. No. 14, dated the 23rd February, 1952,—

(i) Col. 1184, line 8 for "Jagivan Ram" read "Jagjivan Ram".

(ii) Col. 1191, for existing line 4 read "Clause 6 —Contributions and matters".

(iii) भाग १२२७, पंक्ति १० में "यस्य" के स्थान पर "सत्तम" पढ़ें ।

8. No. 15, dated the 25th February, 1952,—

(i) भाग १२५४, पंक्ति २४ में "रती" के स्थान पर "तीर" पढ़ें ।

9. No. 19, dated the 29th February, 1952,—

(i) Col. 1564, in the beginning of line 17 from bottom insert "voted".

(ii) Col. 1612, line 3 from bottom for "purpose" read "propose".

(iii) भाग १६२४, पंक्ति ५ में "सउन" के स्थान पर "उस ने" पढ़ें ।



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

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1549

PARLIAMENT OF INDIA  
Friday, 29th February, 1952

The House met at Half Past Nine of  
the Clock.

[MR. SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(No questions: Part I not published)

9-30 A.M.

**RESIGNATION OF MEMBER**

**Mr. Speaker:** I have to inform hon. Members that Shri Bijoy Kumar Pani has resigned his seat in Parliament with effect from the 24th February, 1952.

**PREVENTIVE DETENTION (AMENDMENT) BILL**

**Mr. Speaker:** The question is:

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

The motion was adopted.

**Clause 2.—(Amendment of section 1 etc.)**

**Shri A. Joseph (Madras):** The Preventive Detention Act has given many powers to the Police in our country, especially in Andhra. The powers which this House has given to the State Governments as well as to the Police have been used in a wrong manner. In many parts of Andhra Desa, taking undue advantage of the Bill, they have treated the people in such a cruel manner, which we have not heard of previously. They treated the poor men in a merciless manner saying that they were Communists. I know of cases where Harijans, though they are not Communists, were treated harshly, but at the same time members belonging to the Communist party were released by the Police if the local Congress

427 P.S.Deb.

1550

Committee leaders approached the District Superintendent of Police in my part of the country. I submit that we are extending this Bill for six months and it is giving more advantages to the Police. If the Government has no objection, this Bill may be changed and a new Bill brought in its place so that all the powers which are mentioned in this Bill should not be utilized in a wrong manner. If it is intended to pass this Bill, we must also make the poor men of our country feel that the Government is doing no injustice to them. Then we are all bound to support the Government and its policy. In these circumstances, I request this House, the Chair and the Prime Minister to take steps to stop this Bill from coming into force and in this way the Government will earn the gratitude of the poor people in the South.

**Shri R. Velayudhan (Travancore-Cochin)** rose—

**Mr. Speaker:** I take it that the hon. Member knows that we are proceeding with the clause by clause consideration. Clause 2 is under consideration.

**Shri R. Velayudhan:** I came only just now. That is the difficulty. Is the general discussion over?

**Mr. Speaker:** Yes. Nobody seemed to be anxious to have a general discussion when the motion was placed before the House and I therefore called upon the hon. the Home Minister to reply. When I put clause 2 to the House, as nobody stood, I was just going to put the question. Meanwhile Mr. Joseph wanted to make a few remarks and it is Mr. Joseph's kindness which has given the other hon. Members an opportunity in a way.

**Shri R. Velayudhan:** I shall speak then at the third reading Stage.

**Mr. Speaker:** At the third reading stage, it will not be possible for him to speak.

**Shri R. Velayudhan:** Then I shall speak now.

**Mr. Speaker:** No, I do not mean that. I may just explain to him the position. In the third reading no speeches are allowed ordinarily, of course, except in extraordinary cases, and the case that Members do not come in time cannot be treated as an extraordinary case. The position is that at the third reading the discussion is restricted only to such amendments or changes as have been made during the clause-by-clause reading stage. That is the general rule. His idea is that he can make an extensive speech again as if he was speaking on the consideration motion; but that is not permissible. It will however be perfectly open for him to speak on clause 2, which practically covers the whole ground. There is no amendment to this clause and the amendment tabled by Mr. Kamath is out of order, but it is competent for him to speak and vote against clause 2.

**Shri R. Velayudhan:** I wanted to speak on this Bill, but unfortunately I was late for about one or two minutes. But as you have stated now, it is an extraordinary Bill, as far as I am concerned.

**Mr. Speaker:** I never said that it was an extraordinary Bill.

**Shri R. Velayudhan:** Even though it is extraordinary to speak at the third reading stage, I think this is an extraordinary Bill and that is why I want to speak even at this stage.

Let me come to the subject now. The hon. Home Minister yesterday while explaining about this Bill said that it was a harmless Bill as far as he was concerned. But the Bill as it is introduced in the House is only an amendment giving extension for six months to the Act but even this extension has created a great stir in the country, especially among the people who love democracy and who want to establish democracy in the country. In my humble opinion, it is a cruel joke when the Home Minister said that it is a harmless Bill. It is known widely what havoc the Preventive Detention Act has done to this country during the last two or three years. Of course, I need not dilate much on the operation of the Act. I shall say that though it gives only six months, I do not think that this Bill will be removed from the statute book even after the coming in of the new Parliament. It is therefore a lame excuse that the Home Minister while bringing the Bill says that it will be in operation only for six months. I fear

it is going to be a permanent feature of this Government. It is going to be permanently on the statute book.

Now, what are the purports of this Bill. In the Statement of Objects and Reasons it is stated that this Bill was brought because the Government was not satisfied regarding the law and order situation in the country. At the same time, it was stated that no Bill which was of a disputable character would be brought before this session of Parliament. I must say that this Bill is having the greatest controversy in the country. Perhaps in this Parliament there may not be many people who oppose this Bill because this Parliament consists of mostly Congress members. But, in the country as a whole, as is shown by the recent elections, people generally oppose this Bill. Take for example what the elections have shown in South India regarding the Preventive Detention Act. We were having one of the biggest elections in the country. You were always doubting and were afraid that there would be violence and disorder in the country because there were parties and people who believed in violence and they might create trouble. But, what have the elections shown? You were having the most perfect election, the most model election, the most ideal election, the most peaceful election in the country, especially in South India.

**Mr. Speaker:** The hon. Member will permit me to deny all these allegations; I take it he means the Government.

**Shri R. Velayudhan:** Yes; the Government.

**Mr. Speaker:** He was going on saying, "You did this, you did that".

**Shri R. Velayudhan:** I am the last man to say anything against the Chair. I was inviting the attention of the Government. I was addressing the Home Minister and the Government.

**Mr. Speaker:** The hon. Member may address the Chair and say, the Home Minister etc.

**Shri R. Velayudhan:** What happened in my State? The Communist party is banned. Not only is the Communist party, but 42 other political organisations are banned. But we were having a very peaceful election in our State. It is not the Government in power that is responsible for the peace in my State. It is not the mighty power of the Central Government that was responsible for peace in my State.

Peoples' will to observe peace rendered peace in my State. But you say there is no peace and so you want to continue this Bill.

What is the general opinion about this Bill? Tracing back history, we had the Bengal Ordinances during the British regime. Again, when the Congress came into power, it used the Criminal Law Amendment Act. In the Wavell regime, when the hon. Prime Minister became Vice-President of the Government.....

**Shri Dwivedi (Vindhya Pradesh):** On a point of order, Sir. He is not speaking on clause 2; he is speaking on the whole Bill. He should restrict the discussion to clause 2.

**Mr. Speaker:** I quite agree that the hon. Member should not go far into tracing the history and all that. The point so far as relevancy is concerned is this. It is sought to renew this Bill or give it a further lease of six months or three months, whatever the period may be. I think it is perfectly competent to a Member who opposes the Bill to go into certain relevant facts, of course, in as short a manner as possible, because this Act has been enacted by this Parliament and the discussions have been fresh. All that should be borne in mind. He may just mention the points; he need not go into the details. Though I should like him to restrict his remarks to points immediately relevant to the discussion which he is raising, I cannot rule it as entirely irrelevant. That is the difficulty. It is a question of balancing. The hon. Member will remember that and we need not go into very many details.

**Shri R. Velayudhan:** You yourself, Sir, were good enough to say that this question covers the whole Bill. That is why I wanted to say in the first.....

**Mr. Speaker:** That does not mean that I wanted the hon. Member to cover the whole discussion that took place when the Bill was originally passed. That discussion is present and need not be repeated as far as possible. He may now only touch a few points.

**Shri R. Velayudhan:** Regarding the point that I was referring to, let me say that this Bill has not come as a harmless measure. It has been brought purposely to serve this Government. When the Congress came into power, when the hon. Prime Minister was the Vice-President of the Executive Council, I think, on the third

day most of the leftist leaders were arrested. I have to bring one instance to the notice of the House. Those who were in the executive of the State Council, about four brilliant left leaders were arrested on the 11th day of assumption of power by the Congress there. They came out only recently after spending four years in jail, and after winning the elections. The hon. Home Minister said yesterday that he has set free almost all the leaders who were in jail. What happened in my State? He quoted examples from Bengal, U.P. and some other States. What about the 12 leaders of my State who have won the election with thumping majorities but who were not allowed to come out. I may say that one of them has polled the largest percentage of votes. Out of 52,000 votes polled, he has polled 42,000. That gentleman, a friend of mine, came out only recently, but he was re-arrested. But the hon. Home Minister says that he has given freedom to all candidates to go out during election time. Even for the Parliament here, very many were not allowed to contest the elections freely. The hon. Home Minister should remember these cases and not say generally that parole was given to all the detenues to contest elections or a general amnesty was given to enable all to contest the same. It was not so.

What has happened even after the election? What has happened in Bengal? A colleague of us, a person who would be a colleague of us in the coming Parliament, was re-arrested. He sent a telegram to the Prime Minister saying that he was detained. The Prime Minister was silent and he is silent till today. He has not given any directive in that matter. He is a Member of Parliament. What happened in my State? A Member of Parliament who was elected recently was arrested by the State Government. I can cite scores of other examples of arrests of newly elected M.L.As. and M.Ps. This is not a small matter. When people are electing them, Government are sending them to jail. When people have got confidence in the leaders, Government have no confidence in them and they want to send them to jail. I ask the Government who is thereby breaking law and order in the country. Even in Telengana, to which the hon. Minister was referring, is there any difficulty in carrying out law and order? Even the Communist Party of India which was having a campaign of violence has come out and said that it believes in peace. They have said that they want an orderly Government, They say: "We would

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accept the Constitution as it is; we will conduct these elections peacefully". But, you are not satisfied with that. You want to treat them as if they were habitual criminals. Who are these people? Are they not leaders of the country? Are they not the true representatives of the people of the country? Are they not the people whom the people have elected as their own representatives? What right have you then, to put them into prison or keep them under detention? That is why I object to this measure. You give this Act another six months' life and that is not a small thing. Anything may happen during the next six months. The new Parliament may accept this enactment or reject it. But as it stands today it is a black spot in the history of India. Therefore, I oppose it on principle also. Have you got such a law in any other democratic country in the world today? What did Prime Minister Attlee say in Great Britain? We are in the practice of quoting from the Parliament of Great Britain for anything and everything. What was said by Mr. Attlee? He said he never wants an Act like this in Great Britain. He never wants to adopt the ideals of Prime Minister Pandit Nehru. But you want such a measure to be continued in India as you want to suppress the left forces in this country, in other words to suppress democracy and to suppress the people. You do not want democracy here. You want a one-party Government, a sort of semi-dictatorship or a fascist regime. That is the only reason for the detention of people who have been elected to the Legislatures and Parliament with the votes of the people.

Now, let us see how this Act is put into operation. How is it being operated or implemented in my own State? That is the most important point that I have to bring forward. The Bill particularly says that if a person is engaged in any subversive activity he will be detained. If a person does things against the safety of the State he is to be detained. If he works against the foreign policy of the country he is to be detained and so on. But actually what happens is, it is a policeman who catches hold of a person and then he is put in the lock-up. What happens in this lock-up? When I spoke on this Bill two years ago, when it was introduced in this House, I said our lock-ups were like Belsen camps and the Prime Minister asked me whether I had seen the Belsen camp. Of course, I have had no occasion to see that camp, and neither had the Prime Minister too any

occasion to see it. But it has become a quotation, a cruel example or a cruel joke today; Belsen camps in India mean torture houses in India, and that is what these lock-ups are in our country. I say the most heinous things are happening in these lock-ups.\*\*\*You not only arrest and detain persons but also torture them and then force them to confess so many things. And what are these confessions? So many charges are brought against them. For example one person who has been elected to Parliament—Mr. Punnoose—is a great leader and he has the largest number of followers in the State. Wherever he goes hundreds and thousands—nay lakhs of people—go to greet him and welcome him. But he was arrested by police recently. When the Prime Minister goes out into the country so many thousands go and welcome him. We saw it during the elections. Similarly people in the State go and welcome Mr. Punnoose. I do not say this to show that he wields great power. In fact we have no power for all the power is with you. But we represent the real interests of the people and we represent the real aspirations of the people. We represent their very life and today we are prepared to die for them.

Another worker, Mr. Srikantan Nair who is an R.S.P. leader has secured 2,20,000 votes and he has been returned to Parliament; but believe it or not, he has been convicted in a case of stealing 30 coconuts and 2 bottles of milk. These are not jokes to laugh at. These things happen because you have such a law as this on your statute book. On appeal to the Supreme Court, that court upheld the decision of the High Court. So what is the position. Here is a leader of the people who was in prison for stealing who will sit in the next new Parliament, sit with you there, or along with me here; what happened to another worker—Mr. M. N. Govindan Nair? He got the biggest majority in the.....

**Mr. Speaker:** Order, order. The hon. Member seems to argue in a tangential direction. The cases he has mentioned are general police cases where.....

**Shri R. Velayudhan:** But they were arrested under the Preventive Detention Act.

**Mr. Speaker:** They may be under the Preventive Detention Act or any other Act; but these cases the hon. Member

\*Expunged as directed by the Speaker

is referring to relate to an entirely different matter. These cases arose because the general administration, according to the hon. Member, is so low that men who are unpopular or not liked by the authorities are regularly persecuted by the police in that administration. That is entirely different from a case under the Preventive Detention Act. The hon. Member may confine his remarks to this Act and not extend them to the general administration in the State.

**Shri R. Velayudhan:** In the examples that I have cited before the House, the arrests were all made under the Preventive Detention Act and the persons were detained for several months and after release they were re-arrested and these cases were brought against them. These charges are an aftermath of the detention under the Preventive Detention Act.

**Mr. Speaker:** But the re-arrest is not under the Preventive Detention Act. Some, according to him, trumped up charges are brought against the person and he is prosecuted. That is entirely different from the administration of the present Act we are discussing. Otherwise the discussion will be a general discussion on the administration in the State. The hon. Member will please confine his remarks to the Preventive Detention Act and nothing else.

**Shri R. Velayudhan:** That is what I have done, Sir. Under this Preventive Detention Act people are arrested first and then false charges are brought against them by the police, because they fear public opinion and they dare not detain people indefinitely. So they bring forward these charges and the police *raj* is going on in this way. I have no particular grouse against any one. I have no particular personal grievance against the Government. I attack the Government because such things are happening in the country today under this Preventive Detention Act. Why do you want an Act like this? I can understand it in unusual times, in a crisis and when the country is in danger, for example, if there is a war between India and Pakistan, I can understand the putting into force of such an Act as this. But now do we not have peace in the land? Have we not settled down? If we are unsettled, it is because the Government has created a psychology, a kind of social fear in the country as a result of their mismanagement, their misrule and their bunglings and that is why things have come to this pass. We are a peaceful people by nature. Who will suffer all these things but the

people of India who are so used to misery and poverty and lethargy and who believe in the law of Karma? Otherwise, there would have been revolution in the country and the Government would have been thrown into the Bay of Bengal.

**An Hon. Member:** Not the Arabian Sea?

**Mr. Speaker:** It appears to me that the hon. Member has already advanced all possible arguments against the Preventive Detention Act and now he is giving vent to his feelings. I can, of course, understand his sentiments and the intensity of his feelings, but that is all irrelevant. And so, do I take it that he has finished his speech?

**Shri R. Velayudhan:** Sir, I am prepared to submit to your order. But the fact is this subject is of very great importance and we look to you for safeguarding the interests of all of us. Considering the importance of the subject, I request that ample time should be allowed to Members on this occasion. Here in this House there are not many people to oppose the Bill and I am the only man.

**Mr. Speaker:** Now the hon. Member will finish his speech. I have already said that I have not the least objection and it is my duty too to allow every Member who wishes to oppose the Bill to have the fullest possible expression so that he could give his reasons for his opposition. But that cannot be measured by the length of time taken by a Member over it. (*Interruption*). He took, I believe, more than 25 minutes. He was of course in the heat of his argument and feelings that he could not measure the time properly. Hon. Members should remember that they can touch on the points they want to make, they can invite the attention of the Government to the defects that they have found in the working of the Act, make suggestions to rectify those defects or bring out any grievances they may have. But it is no use going into illustrations of the police administration not only in the Centre but in the various States also. That is how the discussion becomes irrelevant. So Mr. Sarangdhar Das might be given a chance now to speak.

**Shri R. Velayudhan:** I want only five minutes more, Sir.

**Mr. Speaker:** I am not prepared to give it; he is only repeating his arguments.

**Shri R. Velayudhan:** Then only two minutes, Sir.

**Mr. Speaker:** He might now conclude.

**Shri R. Velayudhan:** I have to submit to the House only one thing. We have sat here for four years but at the same time it is my humble opinion that this House never understood the feelings or the psychology of the masses in the country. You have been laughing when I was speaking on the Bill and expressing the feelings of the people about the Bill—reminding you of the thousands of people who have died and thus become martyrs because of the Act being in force in the country. Have you felt the agony of the millions of people of our country and have you realised the cruelty brought upon the people? If you represent truly the interests of the people this is not the time for joke or laughter. I have only one thing to tell the House. The people will realise, in fact they have realised it and they know what to do. I will say that you will have to pay for it.

**Shri Sarangdhar Das (Orissa):** I stand here to oppose this Bill, which extends the life of the Preventive Detention Act. (*Babu Ramnarayan Singh:* Hear, hear.) There have been occasions previously when the whole ground of the objections to such a Bill has been gone through and I do not wish to repeat those arguments against "preventive detention without trial." Only one or two things I might say.

Before the second World War, during the military regime in Japan, the Japanese police started a new cult of "thought control" and that was why they had detained during the war, as it was found out after the American occupation that there were somewhere about 50 or 60 thousand people in detention, for eight, ten and twelve years, without trial. I wish to point out that in the only country that is hounding Communism, I mean the U.S.A., where world Communism is a bugbear to the people, there is no Preventive Detention Act. Why then is it that in the country that is afraid of Communism and that is trying to ally itself with all the other countries in the world to fight Communism there is no Preventive Detention Act? Why is it that the Judges of the Supreme Court of the U.S.A. on many occasions have pronounced verdicts against any kind of detention without trial? That is because their police, their Federal Bureau of Investigation are competent and extraordinarily efficient.

But what do we find in our country. I know of cases in my own State of Orissa where a man goes underground, remains underground for three years

and the police are not able to find the man out. If there is a dacoit going about the country in an underground manner, is it not the duty of the police to get hold of him and bring him to trial? The fact of the matter is that after the departure of the British from this country, your administrative machinery, your police and your magistracy have got loose. The whole machine is creaking. They are not doing their work for which the Governments, both at the Centre and in the States, are responsible. We pay the taxes and we want security of life and property but we have none. There is looting, highway robbery in places by people not only belonging to political parties, but also professional dacoits take advantage of the situation and commit those crimes and the police know nothing about them.

What do you find in Telengana? Why is it that the police, the extra police and the military posted there do not suppress the communist terrorism there? This has been going on for about three years and yet the trouble in Telengana has not been brought under control. (*Babu Ramnarayan Singh:* And will not.) because I have heard it from very reliable sources and I believe it is true, you have given the military and the extra police from outside that are posted there, extra allowances for being posted in a troublesome area. That allowance will go when the trouble is over and they revert to their own substantive posts in their own areas. That is why, so that the allowance may continue, the trouble continues. The police and the military are not doing their duty as they should.

I maintain that it is not at all necessary to have any Preventive Detention Act. When the month of April came I thought that it would lapse automatically. Inasmuch as the Government has released many of the Communists who had stood for election, I thought that the Government had come to their senses and would not detain those people any longer. So I thought that the Act would lapse when April 1952 came. But I am now surprised that after releasing those people who had stood for election—and in places they have won with thumping majorities—the Act is being extended. If the Government had the desire to have the Preventive Detention Act perpetuated on the statute book and wanted to detain these people for ever, it was wrong on their part to release them on parole, so that they could approach the electorate and carry on their election campaign. Let me tell you that by your act of detention alone

you have made these people come out successful with thumping majorities. Because when a man goes to the electorate, to ordinary people in the villages and tells them, "I was detained for three or four years but now my party has succeeded in bringing the Government to its knees so that the Government has released me", that brings votes. Also the fact in some cases where the man says, "If you do not give me the votes they will take me back to jail". All these opportunities to collect votes, to play on the emotions of the people were given by the Government in releasing them on parole. So I say in either way—whether in keeping the Preventive Detention Act for years and years together by one extension, a second extension and a third extension, or in not keeping the people who are dangerous, as you think, in jail out letting them out once in a while—you are defeating your own purpose. If the Preventive Detention Act was not there, and if these people who are under detention had been free for years together, and worked among the people as other political parties have worked. I am very positive, I am definite that they would not have secured such large majorities of votes for their election. Because a few days before polling they were released and they played on the emotions of the people and made fantastic promises, and they came out successful. Now that they have come out successful, I do not see how you can justify your action in putting them in jail again. If you have released them and if you find that in a democratic society they have got the majority votes and have come out successful, let them go about among the people, let them fulfil the promises that they have made to the people and then we will see.

For these reasons, particularly after what we have seen during this election. I oppose the extension of the Preventive Detention Act and I again demand that this House itself should go into this matter thoroughly before committing ourselves to an Act which does not exist even in the two democratic countries, England and America, which members of the Government are always fond of quoting for their convenience—that things that are being done here or precedents that exist in England or America we should also have here—that we should not have Indian precedents or create Indian precedents but we should be guided by these two democracies, England and America. Government should now pay heed to what the Supreme Court Judges of America have said about the Preventive Detention Act.

**Dr. S. P. Mookerjee (West Bengal):**  
It is a strange irony of fate that on the very day that the Prime Minister was holding a Press Conference calling for the co-operation of all parties and groups in the country.....

**Babu Ramnarayan Singh (Bihar):**  
All camouflage.

**Dr. S. P. Mookerjee:**...for a smooth and harmonious administration of the country after the General Elections, the Home Minister should come before the House on that very day asking for an extension of the Preventive Detention Act by another period of six months. The Home Minister tried to appear very reasonable yesterday in his opening speech. The point of principle which he stressed, namely that full opportunity should be given to the new House to consider this very important measure is certainly a wholesome one. But I would ask him and Government very seriously whether circumstances obtaining in the country today do really justify the continuance of this measure even for a period of six months. I think it is common ground that the principles of preventive detention are detestable, there is none inside this House or even outside who justifies the principles on which preventive detention is based, but, of course, the justification comes when times of emergency call for such an extraordinary measure. I was reading Sardar Patel's speech when he brought forward this measure before this House in 1950, and also the speech of Shri Rajagopalachari last year. There was one point in common and that was that both these Home Ministers assured the House and the country that there might not be any occasion to renew the life of the Bill beyond the period for which the Bill was sought to be enforced. But strangely enough although the period expires on the 31st March, 1952 the Home Minister again comes forward and asks for an extension by a period of six months. Whatever might have been the conditions obtaining in the country last year or year before last it is common ground today that there is no emergency justifying this Bill. The question which I would like to ask the Government is this: Are not the ordinary laws sufficient for meeting any situation that may arise? The General Elections took place in this great country and the atmosphere of peace and harmony in which the elections were held was something for which not only the parties concerned but also the people of India could well congratulate themselves. It shows that the people of this country have expressed their firm determination to be governed accord-

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 ing to peaceful methods, that they prefer the ballot box to the bullet. Now, if that is the atmosphere which is prevailing in the country today why should you come forward with a proposal for an extension of this extraordinary measure? The Home Minister says in his Statement of Objects and Reasons that the primary reason for the enactment of this legislation was to protect the country against activities intended to subvert the Constitution and the maintenance of law and order. Then he proceeds to say that attempts to do so, though reduced in tempo, have not ceased. I would like to know from him in which part of the country are attempts being made to subvert the Constitution today or in which part of the country are there deliberate or organised attempts to violate maintenance of law and order. History gives us numerous examples where an executive once having been armed with large and arbitrary executive powers becomes extremely reluctant to give up those powers. The executive invents excuses and pleas for the continuance of such powers. The very principle of detention without trial shows that there is something wrong in the country, whether in the Government or in the people. It represents an abnormal state of affairs. We would like ourselves to be governed according to a rule of law. If the existing provisions of law are inadequate in respect of any particular matter, it is up to Government to bring forward proposals for amendment of the penal laws of the land, but normally speaking, every one who is charged with a criminal offence has to be tried before a court of law and although the existing Preventive Detention Act provides for consideration of various cases on the basis of the recommendation made by the Advisory Committees, yet the fundamental defect of such a set of circumstances continues to exist, namely, that one has to proceed on the uncorroborated evidence of so-called accomplices, spies or police informers. Some time must come in the history of India when these laws must disappear from the Statute Book. And in my humble opinion, there was no time more propitious, more opportune, more auspicious than just the present moment. We have got offers from all the parties and groups in the country after the tempo of the elections has been over for working the Constitution and for co-operating with Government in the manner in which the Government and the Opposition should function in a democracy. The Home Minister referred to these offers of co-operation in his opening speech

yesterday. The Prime Minister also referred to them in his Press Conference yesterday. But the Home Minister added that confidence is a plant of slow growth in an aged bosom. He said that perhaps it will take some time before confidence can properly grow. But I ask seriously: is that the attitude which a responsible Government should take up? (Babu Ramnarayan Singh: No.) Confidence begets confidence. If today there has been an offer of cooperation from the opposing parties in the country—cooperation does not mean surrender or agreement on all matters; it signifies a readiness to work for the salvation of the country in an atmosphere of peace and goodwill, although there may be occasions when there will exist honest differences of opinion between the Government and the opposing groups in the country. There must be a proper response coming from Government on such an occasion and it is indeed tragic that the response comes in the shape of a determination to put on the Statute Book for a further period of six months this particular law which is detested by all sections of advanced opinion in the country.

The Congress has won in the last General Elections. As I said in my speech during the debate on the President's Address, everyone should be prepared to accept the verdict of the country in the proper spirit. But still there are certain writings on the wall which we cannot ignore and which indeed it will be fatal to ignore. If you take the percentage of votes which were polled in favour of the Congress it is less than absolute majority. We have not got the latest figures, but it will be something between 45 and 48, which means that a majority of the voters who went to the polls voted against the Government of the day. In my own province, only about 34 per cent. of the people who voted in support of the Congress. In other words, about 66 per cent. of the people voted against the Congress and yet the Congress has captured about 150 out of 238 seats. This undoubtedly represents the solid fact that there exists a strong volume of opinion which is against the present party in power.

Secondly, if you look at the election results in provinces where the Preventive Detention Act was put into operation with greater vigour than in other parts of the country, you will find that it is in those areas more than in others that the Congress has met with reverses. What is the reason? If you arrest people and keep them in



detention without trial, you immediately create a psychology in the minds of the public which goes against the Government and which has a lurking sympathy for the people who are the sufferers of the wrath and fury of the Government of the day. We have seen in our province how detenus who were released only about a fortnight before the polling date secured thousands and thousands of votes, defeating other candidates, although they did not have the chance of moving round in their constituencies. You can blame persons whom you suspect of subversive activities, but certainly it will be fatal for any Government to blame the entire populace of the country. These are the writings on the wall which it will be fatal for any Government to ignore. We have got to create new conditions in the country. As the Prime Minister said yesterday, we must forget as much as possible all past controversies, looking into the future, so that the country may get the best of the services of those people who have been returned to the Legislatures and Parliament and have got the verdict from the electorate. I am not referring to the allegations which have been made about malpractices and other things. All that has also created a new atmosphere in the country. We are waiting for the fulfilment of the assurance given by the Prime Minister that some enquiry may have to be made into those serious allegations which are now coming to light from all parts of the country. In fact, as someone had observed, the Congress did not sweep the polls, but it certainly swept the ballot boxes. That is a matter which naturally has to be gone into and one cannot give a verdict here and now. At the same time, what I would urge very earnestly is that Government must, not by its words but by its deeds, show that there has been a change of heart and a change of policy so far as the Government itself is concerned, and this must come in the shape of acceptance of the verdict of the people. No Government can continue to function by ruthlessly ignoring the verdict and the will of the people. One feels distressed to find manifestations of such a desire to ignore the public verdict when appointments to high offices are made and persons who individually may be quite desirable but who during the elections have been thrown out are selected. These are not healthy symptoms. I am not saying a word against any individual, but if you select as Governor or Lieutenant-Governor or Ambassador persons who were repudiated by the electorate, you certainly do something which is against the best canons of democracy. (Shri

Gadgil: Question.) You create conventions which are not healthy and which may be emulated by your successors to the detriment of the good of the country. It is therefore necessary that in all these matters Government should move with considerable caution. I am not suggesting for a moment that if an emergency arises or if the occasion demands it Government should not resort to large executive powers. Our Constitution has made a provision towards that end. Laws such as this can be formulated by Parliament. But it will be up to Government to show that really an occasion has arisen when such a law should be continued to be kept on the statute book. What harm will be done if this Bill is dropped today? And what goodwill be achieved if this suggestion is accepted? The harm will be nil. So far as I can see, it will mean the release of about 1,500 people. Surely Government is strong enough to deal with these persons in case any one of them goes against the law or does anything which may affect the security or the stability of the Government or the State. But the good that will be done will be tremendous. It will in an express and *bona fide* manner indicate a desire on the part of Government to start on a clean slate as it were.

Let us forget the era of detention laws; let us think of governing this country according to the rule of law. If on a future occasion something happens which requires the passing of such a law and if Parliament is not in session Government can formulate and pass an Ordinance. But I have every hope that such an occasion will not arise. On the other hand when the new Parliament will meet Government may come forward with its own proposals for passing a law not necessarily providing for detention without trial but for making special provision in respect of cases which involve anti-social activities and by mutual consultation some *via media* can be found. But Government will certainly be well-advised in dropping this measure in its entirety and even if it is to take some risks Government is strong enough to take that risk.

There is no unhealthy atmosphere obtaining in any part of the country today. There is abundance of goodwill. The Home Minister said yesterday that this goodwill only comes through expressions and words and he is waiting to see how far they are reflected in deeds. Well let him show the path. Let the physician heal himself. Let him show in deeds that his attitude has changed and he would not like as Home Minister to be armed

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with arbitrary power for the administration of this country.

Lastly, I would certainly refer to the cases of those detenues who have been elected to the Legislatures and Parliament and who have been re-arrested in the last few days. It does not matter to which political party they belong. But this step taken by some Provincial Governments—I do not know whether in consultation with the Central Government or not—is a most unfortunate one. It does not help in recreating confidence in the minds of the public. The Home Minister may rest assured that such action, wherever it has been taken, has been criticised very adversely even by sections of the public who in other matters have lent their support to Government. These people have received the verdict of the electorate and they have been returned to the legislatures or to Parliament. Let them commit some heinous acts in future before you can put them behind the prison bars. Of these 1,600 people whose list was read out to the House yesterday by the Home Minister, it is quite likely that there may be some people against whom there is sufficient evidence to place them for trial before a court of law. Government is welcome to do that. I am not suggesting that any one who has transgressed the provisions of the law should be forgiven. Let them stand their trial before a court of law; let them make a selection of those cases. The best thing would be to grant a general amnesty, release all of them and start on a clean slate. Let the country be told that after the General Elections we would all like to work in an atmosphere of friendliness and co-operation for turning our attention to those great social and economic problems which affect the peace and happiness of millions of India's population and which await solution. Let some positive action be taken by Government. I know if the Home Minister wishes to pass this Bill the House will accept the Bill—there is no doubt about it—it may be done even before one o'clock today. But that is not the point. Let him ponder over the situation and consider if he can afford to take this risk for the purpose of creating a new atmosphere in the country and responding in a practical measure to the offer of co-operation made by all parties. It does not matter to which leftist group a particular party may belong, but let him respond in a worthy manner to the offer of co-operation which has been made and let us not hear more of such detention laws under which more than anybody else the members of the party to which the Home

Minister belongs had been the sufferers for the last fifty years.

The country today is awaiting a new call from its leaders. We have quarrelled amongst ourselves. We have done many things. But now we have to look to the future and there must be a proper give and take on the part of all. The bringing forward of this measure from this point is a most unfortunate and unwise step and I hope even at this late stage the hon. the Home Minister, after consulting the Prime Minister and his colleagues, will be able to do something which will be in consonance with the public demand on this very important issue.

**Prof. K. T. Shah (Bihar):** While going through the Statement of Objects and Reasons, to which the speaker just preceding me has also drawn attention, I carefully considered the reasons now suggested for demanding an extension for six months of this measure which is, on principle at any rate, disliked by every section of the House and of the people. Every time this measure has come before the House or anything similar to it even by way of amendment to the Constitution has come before the House, I have tried to oppose it in a general way as well as clause by clause and therefore I trust I will not be misunderstood when I raise my voice in protest against this measure today merely as a sort of a last attempt to show one's passive opposition to Government.

The Statement of Objects and Reasons itself says that activities intended to subvert the Constitution and the maintenance of law and order have reduced in tempo. That in itself to my mind is an admission that such reasons as existed in the past have very much weakened and instead of attempting to restrict the liberties of the people, we should try to broaden them. It is a pity that this Parliament, otherwise notable and noteworthy for its achievements in bringing about a measure of liberalism in the country, should signalise itself towards the end by bringing such repressive measures as this. I trust that the appeal made by the previous speaker even at this late moment will not be lost or fall on deaf ears. Government has ample powers to deal under the ordinary process of law with such elements as are really working against the maintenance of law and order or for the subversion of the Constitution.

The two illustrations that the hon. the Home Minister has given in his introductory speech themselves suggest that the case for continuing this very objectionable measure on the statute book is extremely weak. Those parts, where the trend of Communist sentiment is spreading, have shown that a very considerable section of the people is with them. If you really desire that there should be the rule of the people in this country, that this should be a veritable and true democracy, then you must respect sufficiently the will of the people as indicated in regard to this measure not to continue a law of this kind which is frankly a negation of popular liberties. The Communist leaders have themselves indicated that they are undergoing—if they have not undergone already—a change of sentiment and are willing to offer their hand of co-operation if co-operation is genuinely sought from them, and we should not, whether by our own prejudice or by foreign pressure, try to exclude those who merely because of their convictions and honest beliefs in the matter have been unable to work on the same lines as those in power are doing.

In the other case, that of Saurashtra, the elements endangering the maintenance of law and order are entirely of a different kind. The factors which have brought about in those parts the emergence of violence are generically of a different character, and you will never be able to deal effectively with the help of such measures with those offenders who have made the name of Saurashtra stink in our nostrils in the last few months.

[SHRIMATI DURGABAI in the Chair]

I am not a very great believer in the preventive capacity of penal measures. Penal measures are really in my opinion a confession of the inability of society to regulate itself and to make its members really law-abiding or willing to accept the general good of the people and conduct themselves in accordance therewith because in the common good is the good of the individual as well. Preventive measures are by themselves an admission that because the social system is not working sanely or happily, means will have to be devised and methods evolved whereby its defects may be glossed over and concealed and those in power and authority can govern according to their own will in such matters. It is much more necessary—and in the particular case of the Communists for example, it is much more necessary in my opinion—to direct our attention to curative values of social reform in a much broader sense than has been

attempted so far in this country. I recognize that we have had to face extraordinary problems in the past five years which have made the curative measures that we might possibly have devised rather halting, half-hearted and perhaps ineffective. But that does not mean that we have exhausted the arsenal of curative measures, and I would earnestly beg that it is not right and proper that you should adopt such methods as those which, admittedly, confess your inability to provide a social milieu that would mete full justice to every individual, real equality to all and perfect opportunity to everyone to self-expression and self-realisation. Rather you must turn your eyes to those sores, defects and injustices in our social system that still fill it to a very large extent and try and devise measures which will remove or heal those sores.

I am not very much a believer—I am not a believer at all—in these kinds of restrictions. But if ever preventive detention or measures of that kind are to be justified, I think they are justified and must be adopted against a class which, however, goes not only scot-free but which is highly honoured in this category of society. There are people who self-confessed and self-convicted or otherwise are known to be breakers of law and underminers of the Constitution who, however, are highly honoured because of their large bank balances and long purses. Therefore, if you really wish to give a fair and real trial to such measures as preventive detention, I think they ought to be applied against that class of multi-millionaires who are really far more venomous and dangerous to our nascent democracy than any Communist can be. I suggest it is they who ought to be, without further trial or investigation, not only incarcerated but in respect of whom even third-degree methods ought to be adopted, so that everyone of them would disgorge his ill-gotten wealth and help us to get on with those plans of development in the country which are being held up and defeated, which are being disjointed, because of their selfishness, because of the profit motive governing society, because of the unequal distribution of wealth.

**Shri Kamath (Madhya Pradesh):** I never imagined that Prof. Shah would advocate the adoption of third-degree methods.

**Prof. K. T. Shah:** I have never advocated preventive detention.

**Shri Kamath:** I was referring to third-degree methods against any one.

**Prof. K. T. Shah:** Yes, third-degree methods even, are needed against that particular class. Though I am a Jain I do not mind third-degree methods when dealing with a snake or persons with a snake's nature. Therefore, I must say here is a venomous and poisonous element in our society which ought not to be pampered, and if you ever want to disgrace the statute book—I deliberately use the word 'disgrace'—by such measures as preventive detention, the only class in my opinion which would justify your action and compel and necessitate that action and others of that kind would be that particular class. Unfortunately, though we may say anything against it, it is just that class which not only goes scot-free but which is highly honoured amongst society, whose weddings and funerals also are graced by the presence of the high and mighty of the land, whose children find lucrative, profitable posts, or at least highly honoured posts in the public administration, and whose means of aggrandising themselves and impoverishing the world are almost unlimited, if not with the knowledge, with the indifference of those in authority. I suggest, therefore, that this present measure is not only not required to be extended so far as the particular class against which it seems to be aimed is concerned, but if at all it is necessary it should be brought about by a fresh, and even a permanent, legislation—that must of course be devised by the new Parliament, not by this—against this truly venomous class which is made up of our multi-millionaires who are responsible for many of the ills from which the country is suffering, who are responsible for the frustration in the field of the plans that we may have for the country's amelioration, and who therefore are the only class—and that too, a very small fraction of the population—that need to be dealt with by this extraordinary measure. It is not really out of spite that I am saying this. I have known and I have experience of the ways and methods of these venomous snakes in the grass that we are fostering in our bosom by a mistaken policy of indulgence or constitutionalism in regard to them. Deal with them as they deserve to be dealt with and then many of the sores from which we are suffering will not remain in this country.

**Shri Kamath:** It is to my mind an unhappy prospect, and I am sure no one within the House or without will feel happy, that the Provisional Parliament of Free India should when its life is coming to a close put its seal of approval on an extension of the

Preventive Detention Act. It would have been a fine gesture to the people of our country, particularly after the General Elections have happily concluded, if this Parliament before it liquidated itself had also at the same time said 'No' to this extension of the life of the Preventive Detention Act. This should have been repealed from the statute book before we had all gone home from here. (*Hear, hear.*) Unfortunately it is not going to be, and every one of us, whatever he may say on the floor of the House, every one of us here in this House is definitely sorry that this Act going to be extended.

Clause 2 of the Bill is the soul and body of the Bill and I have, therefore, no hesitation in opposing this clause of the Bill. This law of preventive detention has sprung from that unique provision of our Constitution, which curiously enough, finds a place in the Fundamental Rights of the Constitution, the fundamental right of an Indian citizen to be detained without trial. Dr. Ambedkar, who unfortunately is not present in the House today, when he replied to the debate on that article of the Constitution, gave an assurance, though not in so many words, but words to that effect, or rather expressed the hope that that article of the Constitution would remain a dead letter. The Home Minister's predecessor, Mr. Rajagopalachari, when asking for an extension of the Bill last year, about this time said:

"I regret very much"—mark the words—"I regret very much that I have to move for continuing the life of this Act"—the Preventive Detention Act—"which is due to expire on the 1st of April 1951."

It was rather unfortunate that the present Home Minister did not care or desire to express even a word of regret, if I heard him aright.....

**The Minister of State for Finance (Shri Tyagi):** I am here to do it, if you are satisfied.

**Shri Kamath:** I am not satisfied by such little things. It is unfortunate that the Home Minister did not express regret even in the way Mr. Rajagopalachari had done last year. On the contrary, the Home Minister said that the Government has got concrete evidence, has got information, has got reports of concrete acts done by these people who are in detention or who deserve to be in detention. He said further that Government has got to assume these powers of detention with a view to preventing what he called breaches of law and order.

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must be trusted. In case Government finds that the things are going wrong or are not going according to expectations, then, as my hon. friend Dr. Mookerjee suggested, it is easy for the Government, in case Parliament is not in session, to promulgate an Ordinance, if there is an emergency. Let not this Parliament say 'Aye' to this extension of the Preventive Detention Act; let us not give an impression to the people that this Provisional Parliament is going to extend this coercive and repressive law when we are about to wind ourselves up.

I was talking of Hyderabad. The hon. Shri Rajagopalachari last year in his speech referred to the Communist menace in Telengana. He said:

"To the Communist every available situation, every available enunciation of principle, every available grievance should be exploited for the purpose of creating and developing a condition which in their opinion will help the seizure of power otherwise than by elections."

Mark the words "otherwise than by elections". That was what he apprehended last year. But, fortunately, the Communists have belied his expectations, and fears. Though in one or two provinces they are still banned, in West Bengal, in Hyderabad and perhaps in Travancore-Cochin.....

**Shri R. Velayudhan:** Not perhaps; certainly.

**Shri Kamath:** I am grateful for the information. In spite of the ban in one or two provinces, they have as a constitutional party contested the elections and tried to seize power by election, and not otherwise than by election, as Mr. Rajagopalachari said in the House last year. In spite of the verdict of the people in their favour—in certain cases people who were underground were elected to the Legislatures—they are still not free. The other day, the Home Minister in reply to a question of mine here in the House said, that as regards Tripura, three warrants were outstanding against persons recently elected to the electoral college. I believe in Travancore-Cochin also there was a person, a Communist, who was elected, while he was underground, by a huge majority: I do not know if today a warrant is pending against him.

**Shri R. Velayudhan:** Warrants are there against more than four people.

**Shri Kamath:** I have been receiving telegrams from Bengal during the last few days that two persons, one elected to the State Assembly and the other elected to the House of the People from West Bengal are still under detention. How can the hon. Minister justify these detentions of persons in whom the people have unmistakable faith and in whose favour people have given their verdict? Last year, in the course of his speech, the then Home Minister referred to a telegram which he had received from Bengal at that time. Therein was quoted the view of a Judge of the Supreme Court. It runs as follows:

"One of the Judges of the Supreme Court, who upheld the constitutional validity of that Act nevertheless said that no country in the world had a law like this, viz., keeping people confined without trial in times of peace."

These are times of peace. The greatest experiment in democracy has taken place and has concluded to the satisfaction of those in power. And so we can say, we are in times of piping peace. If last year when elections had not taken place, the Home Minister could say in the House that the tempo had decreased, I am sure, if Mr. Rajagopalachari had been here today, he would have said that now after the elections had taken place, after the vote of the people had been recorded, the tempo had practically vanished or there was no tempo at all. But the Home Minister thinks otherwise, and he is answerable to this House and he must supply us with facts and with concrete information—to use his own words—as to why he considers the detention of certain people who are elected and others who are not elected to the Legislatures, is necessary for the peace and security of the country. If the Bill is not extended, if we do not give power to the Government what will happen? In the next three months, unless anything unforeseen happens, the new Parliament will meet in May. And if an emergency arises, Government can bring forward a Bill at once, a more comprehensive Bill than the present one. Does the hon. Minister apprehend that within the next three months, from April to June or July, the whole structure will fall to pieces, that Government may topple like a house of cards? I do not think that with the machinery at their disposal, they cannot meet any such emergency. The people do not think there is any menace by subversive elements. But even if the Government thinks that

there is, then the power in their hands, the machinery in their hands for the maintenance of law and order, is quite sufficient for them to deal with any elements that may arise during the next three months. And even if an emergency arises before the new Parliament meets, there is always the President to oblige the Government by passing an Ordinance. Let this Parliament not do it, let us not do it. Whatever the Government does after this Parliament liquidates itself, let them do it, and if they feel it necessary, even go to the President for succour and for help; but let not Government come to Parliament for our imprimatur on this Bill.

I was saying that exactly as the Home Minister Shri Rajagopalachari asserted in this House, this Act—I have not got the figures which the Home Minister promised yesterday—has been directed mainly against the Communists. It is true that they have in some parts of the country committed certain acts which we may not approve. But may I ask, is the conscience of Government clear?

**The Minister of Defence (Sardar Baldev Singh):** Quite clear.

**Shri Kamath:** Did the Defence Minister say, "Quite clear" or "Not quite clear"? I could not hear it properly. Whatever it be, let him keep it to himself. But we know that in different parts of the country, from Telengana and parts of Hyderabad and Andhra and also West Bengal and Travancore-Cochin, where Government resorted to the severest repression against the Communists and where there are records of governmental violence against these supposedly or allegedly subversive elements, in these very areas the Communists have been elected by large majorities by the electors. And to give another part of the picture, so far as Hyderabad is concerned, there was a press report the other day that a large number of Razakars and other members of the Laik Ali regime, whose activities were not merely inimical to the Government but whose activities constituted a menace to the integrity and the very existence of the Indian Union, such elements have been released. Is it not a crying shame that persons who plotted against the existence of the Indian Union, against the integrity of the Indian Union should be released, while those who perhaps committed certain acts of violence against the Government, but who are now elected by the people, should continue in detention? During these very elections it was reported from Malabar—and the news has found its way into the foreign Press also—

that volunteers and workers of a political party which flourishes even today in the name of the Muslim League, flaunted in the face of the people unabashedly and audaciously, the flag of Pakistan and raised slogans of "Pakistan Zindabad" and "The Indian Union Murdabad". And such elements go scot-free. Does the Home Minister think that these elements who cry "Pakistan Zindabad" and "Indian Union Murdabad" and who flaunt the flag of Pakistan on the soil of India, are harmless or less dangerous to the safety of India and to public order? What a democratic Government! What a mockery of democracy is this, that a Government should detain the people or persons who are elected by the people and should let go scot-free and allow freedom to subversive elements which are.....

**Shri Tyagi:** Were they also elected by the people?

**Shri Kamath:** Though not elected...

**Shri R. Velayudhan:** Yes, some were elected.

**Shri Kamath:** I do not know, maybe that one or two Muslim League candidates were successful. But whether they were elected or not, persons who plotted against the safety of our State, the integrity of the Indian Union, against the safety and existence of the Indian Union go scot-free and no action is taken. The Prime Minister said the other day when I put a question here that some action had been taken, that such reports had reached him and that he had taken some action. But his answer appeared, to my mind at any rate, to be given in a light-hearted manner. "I have taken some action", he said. But elsewhere we take action at once to detain people. What that "some action" was that the Prime Minister referred to, God only knows. Shri Kumaraswami Raja, the Chief Minister of Madras in a statement the other day said that he had not heard from the Prime Minister. Somebody drew the attention of the Chief Minister to the question in Parliament and asked him whether the Prime Minister had referred the matter to him. He himself had however called for a report from the district authorities and was awaiting receipt of it. Mind you, these depredations, these nefarious activities of the Muslim Leaguers in Malabar took place as far back as, I believe, the middle of December. Two months it is now since these atrocities took place. While on the one hand we brand certain organisations as communal and as inimical to the safety of our State, these Muslim Leaguers have gone scot-free. We all know what action was taken against a certain organisation called the R.S.S.

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in 1948 for certain activities or the *satyagraha* resorted to by them. We all know how certain Hindu and Sikh organisations are branded as communal and frowned upon. But this blatantly communal organisation of the Muslim League, which is plotting day in and day out—I do not know about North India but in Madras and Bombay, this very Muslim League which plotted against the safety of the State and whose workers flaunted the flags of Pakistan shouting "Pakistan Zindabad" and "Hindustan Murdabad" has been left untouched. The office-bearers and workers of this organisation on the one hand indulged in such reprehensible activities and on the other they asked the people to vote solidly for the Congress. That is an irony of fate that they should in one breath commit these atrocities against the Indian Union and at the same time should ask the people to vote for the Congress. Is it because that they co-operated with the Congress, that they helped the party in power during elections that Government is not taking any action against these people? Is it because they got help from them either in the form of workers or in other ways that they have a soft corner for the Muslim League and have not taken any action against the people who had plotted and are still plotting against the Union openly and defiantly? Where is the Preventive Detention Act in the case of these people? Why do you not apply the Act against them? They can be arrested and detained, and of course if you have got evidence they may be prosecuted later on.....

**Shri R. Velayudhan:** The Congress was in league with them.

**An Hon. Member:** No, I challenge it.

**Shri Kamath:** I would not go to the length of saying that.

**Shri R. Velayudhan:** The Muslim League did it in Malabar. How do you know it? We know it.

**Shri Kamath:** Look at the vagaries of preventive detention. May I quote such an instance in the operation of this Preventive Detention Act? Only two days ago a P.T.I. report from Hyderabad said—I need not mention the name of the Communist detenu—that he sent a petition to the Home Secretary seeking his release from detention. He stated in his petition that his detention under the Act was illegal as—please listen—a criminal

prosecution was simultaneously pending against him before the magistrate of a certain place. He added that the grounds of detention supplied to him did not connect him directly or even casually with any act prejudicial to the maintenance of public peace and order.

Here is a case where simultaneously with his detention a prosecution had been launched. That is to say, Government has concrete evidence to prosecute him and at the same time they detain this person under the Preventive Detention Act. This is an anomaly or inconsistency, the like of which there may be many in the country, but not reported in the Press.

There have been some cases during the last year, where the High Courts in certain States held that the detention was improper or illegal. There were no grounds of detention and they ordered the release of some detenus! But hardly had they left the precincts of the temple of justice when the minions of the law clapped them back into jail. They arrested them and marched them back to be detained, without giving them the grounds of their detention on the spot.

There were other cases reported, where the High Courts held that the grounds of detention furnished to the detenu were vague, far too vague, yet the person had to continue in detention for many months before he was released.

This question was raised in the House last year when the Act was sought to be extended by the Home Minister and he gave an assurance that as long as he, at any rate, was in office he would see to it that the Act would not be misused and that the Government whenever it acted under the Act would supply the grounds clearly and also in time.

I want to know from the hon. Minister whether complaints or reports have reached him from official and non-official sources. He was till recently in West Bengal as Governor and must have come to know from non-official sources also how the Preventive Detention Act operated in that State. I would like him to tell us how many reports have reached him about the use, or rather, abuse of the powers conferred on Government under this Act. I am sure that not merely in West Bengal but also in other parts of the country, particularly Telengana, Travancore-Cochin and Andhra this Act

has been used or rather misused by the powers that be in those States in such a manner that the Government of the day, at any rate, felt safe from attacks by elements whom they thought or dubbed subversive to the Constitution or to the State. Actually, perhaps, many of them, if not all, have been detained because the Government there apprehended that with the elections coming these persons might otherwise make them the target of attack—verbal and not physical—and their prestige might suffer.

Mr. Sarangdhar Das said that the policy which the Government adopted, namely to release the detenus on parole just before the elections demonstrated to the people, at any rate in those parts, that Government had really no grounds against them, grounds of their being a menace to the safety of the people or public order. If really the Government had felt that the liberty of these people was prejudicial to peace and order and the safety of the State, then to release them on parole even for a day would be equally dangerous. It is because the Government felt in their heart of hearts, in their conscience, that the grounds were not adequate to detain them that they released some of these people, ostensibly as they said, to enable them to fight the elections. At the same time they continued to detain some other people but these people who had been in detention for months or perhaps years were released. I believe, in the Punjab also several persons who had been detained for months were released in time for the elections.

Sardar Patel said, when he introduced the Bill for the first time in the House, that nobody could be sorrier than he to have brought this Bill before the House. And he invited the Communists to come into the open arena, in the open *maidan* and fight the elections when the elections come and seek the verdict of the people; he said, "we will give them every facility for that, let them do it, and if the people want them, if the people are in their favour let them be released, let them come out of jail." This was the opinion, the considered opinion which was expressed in this House by Sardar Patel. And Mr. Rajagopalachari, concentrating his attack again on the Communists and mentioning blackmarketers and others, as a sidelight or a side-show, said that he too was full of regret, that he regretted that this Act was being brought for extension. Now, if the present Government which is ending its life simultaneously with the Parliament.....

**Shri Naziruddin Ahmad (West Bengal):** No, no, they will stay longer.

**Shri Kamath:** This Parliament too is not to be dissolved, this will stay on till the next Parliament comes. Under the Constitution the Provisional Parliament is not to be dissolved at all—as soon as the new Parliament comes this Parliament goes and the present Government also goes.

**Pandit Thakur Das Bhargava (Punjab):** The King is dead, long live the King!

**Shri Kamath:** Long live Parliament.

If the present Government wishes to honour the assurances given by Sardar Patel and Mr. Rajagopalachari in letter and in spirit, it behoves them to, at once, immediately, release or order the release of, or instruct the various State Governments—advise, rather, if that word is preferable—advise the State Governments all over India to release immediately those persons who have been elected by the people. They have stood the test of elections and they have gained the verdict of the people. The Government, if it is really democratic according to their professions, cannot ignore, cannot flout the verdict of the people except at their own peril. And immediately, again, instructions must go, advice must be tendered, to the State Governments that warrants pending against those who are underground, to whatever party they may belong, whether it be the communalists or the Communists or the leftists or the rightists or the centrists, warrants pending against those who have been elected by the people should be withdrawn. The case of Tripura is a case in point. There are three persons there who have been elected. Tripura is a Part C State and the Government has full authority there. They have been elected to the electoral college in Tripura but the Home Minister says that the persons concerned are those who are still preaching the overthrow of Government by force.

**Shri R. Velayudhan:** Preaching?

**Shri Kamath:** Preaching. It is rather strange that the words used are "still preaching the overthrow of Government by force". I do not know whether this answer to the question was drafted in the Secretariat in a hurry or as it was an unstarred question because there would be no supplementaries on the question they thought they could bluff the House by giving a sort of answer though not a really true and full answer. The persons concerned are those who "are still



[Shri Kamath]

preaching the overthrow of Government by force". These persons apparently have been out of the picture, so to say, for months—may be for years. Warrants are pending, I do not know, since what time, since what date, but the Government tells the House that they are still preaching—the word used is "preaching." When did the officer of the Government—police officer or administrative officer—hear any of these persons preaching? Was it two years ago, three years ago, or one year ago or a few months ago? And since when have these warrants been pending? If these persons preached the overthrow of Government by force two years ago or three years ago and since then there has been no preaching on their part—because the warrant is against them and they cannot appear in public—then it is wrong to detain such people who have been elected but who in Government's eyes were preaching violence some two or three years ago. Has Government got any concrete evidence that they are still of that view? If the Government has got concrete evidence that they are still preaching violence, then when did these people do so? On what date did these persons preach violence? Prosecute them, then. This, to my mind, is a grave anomaly as regards the working and operation of this Preventive Detention Act.

I was referring to the anti-Indian, the conspiratorial and destructive activities indulged in by the Muslim League in Malabar, and yet against them no action has been taken. I will read to the House a letter which I have got from one of the active workers in Malabar and he is a Muslim himself, a Moplah. He says:

"About the objectionable form of the Muslim League propaganda done in the Malabar district, 'Pakistan Zindabad', 'Indian Union Murdabad', 'Down, down, Indian Union, Up, up, Pakistan', and such other objectionable slogans were freely used....."

Used "freely"—

"...in the Muslim League *jathas* and meetings and also Pakistan badges were also used by League National Guard volunteers.

In this connection your attention is invited to the Press statement of the ex-Minister of Law of the Madras Government, Mr. K.

Madhava Menon, that he has received from a friend at Tanur. . . . Tanur is in Malabar—

"...two Pakistan badges used by the Tanur Muslim League Committee. Further, the same Minister in his speech on Independence Day celebrations at Kozhikode, on the *maidan*, on 26th January, said that he has heard with his own ears objectionable slogans such as 'Pakistan Zindabad', 'Indian Union Murdabad', and 'Moplahstan Zindabad'. The Muslim Leaguers are now very violent in these parts and anti-Leaguers find it very difficult to get on etc. etc."

Why, may I ask, is this preventive detention law not applied against these people who are still plotting? About Communists it is the past which is troubling the mind of Government, but about these they did it two months ago and according to this letter they are still doing it in parts of Malabar, and no action has been taken so far at any rate. I hope Government will use this law, this power conferred upon them first against those who are openly preaching the overthrow of the Indian Union itself and are openly, defiantly raising slogans in favour of Pakistan. If this is not high treason, what is it? They must be prosecuted, but if the evidence is not enough to prosecute them, this law should be used against them. It should not be used to shut up and detain people who have been elected.

The Home Minister yesterday talked about confidence and said that it was a plant of slow growth. But it is good at least once in a while for Government to trust the people and their truly elected representatives. The saying goes that trust begets trust, and whatever may have happened in the past, since we are now going to inaugurate the first Parliament of Free India in about two or three months, let it not be said of that Parliament that it started with a blot on the statute book in the form of this Preventive Detention Act. Give that Parliament a free hand. Let it even consider whether articles 22 and 23 of the Constitution should not be amended or even deleted. I think those are among the few articles which disfigure the Constitution. Preventive detention has been included in the Fundamental Rights, giving the impression that in India it is one of the fundamental rights of a citizen to be detained without trial. If this had found a place in the emergency provisions, I would not have objected, but it has been thought.

wise by the architects of the Constitution to incorporate it as one of the fundamental rights. Therefore, let us not disfigure our statute book, or rather the statute book that will be before the new Parliament, with this Act. Let it not be said that the new Parliament commenced its life with this pernicious law, which has already been in existence for two years.

I may be pardoned for quoting Mr. Rajagopalachari again before I sit down. This is what he said about those political organisations which worked through violence and against whom this Act was directed mostly:

"We want that those who have made it their creed to work secretly and through violence should have no place in the political organisations of our country. If we have any political organisations openly working, let them have the extremest differing point of view from our own. We do not mind. And if they command a majority, people are entitled to be governed by those persons."

Logically, therefore, it must follow that people are entitled to be represented by the men of their choice in the Assemblies and in Parliament. Even Mr. Rajagopalachari said so and I am sure that Dr. Katju who has been a Minister and a Governor.....

**Dr. Pattabhi (Madras) :** Say a 'Governor and a Minister'.

**Shri Kamath:** I think he was a Minister in U.P. before he became the Governor. Well, I may say that Dr. Katju who has been a Minister, a Governor and again a Minister does not hold a different view. Perhaps, as a Minister having to pilot this Bill he has to say a few things which, after going home, he might be sorry for. He may not really like to see the life of this Bill extended, but as a member of the Government he has, I suppose, got to speak differently, if not think differently. His hands are somewhat tied. But this fundamental proposition propounded by Mr. Rajagopalachari stands. If people have elected any persons, they are entitled to be represented by those persons. If they have a sufficient majority, they will govern, if they are in minority, they will represent. Therefore, the first thing that Government should do is a magnificent gesture to the people, who have vindicated by their action during the elections the faith reposed in them. It is in the fitness of things that Government without any delay whatsoever should take action both at the Centre

and in the States to release unconditionally all those persons who have been elected to the various State Legislatures and Parliament. Otherwise, it could be nothing but a mockery, a negation and a flouting of democracy. Warrants pending against those who have been elected to the Assemblies or electoral colleges should be immediately withdrawn. I would further suggest that we in this Parliament should not sanction this extension. At least we should be able to go back and tell the people, "It is true we passed this law; but we have undone it now and have come back with a clean slate, a clean heart and a clean conscience. Let Members who are going into the new Parliament take it up again, if need be." This Act is a negation of civil liberty and, as a Supreme Court Judge has said, a negation of civilised Government. Let us resolve that we shall not be a party to this. As so many other acts of faith of the Prime Minister have justified themselves, so will this act of faith justify itself. There is no more need for this Act, and I am sure that if Members of this Parliament are allowed to vote freely without any compulsion or binding of party they will not vote for this extension. Let us perform this great act of faith before we depart and all will be well with us.

**Dr. Pattabhi:** It is with great interest that we have listened during the last one hour and over to the speeches of the leaders of the Opposition in this House. I say 'leaders' because there is no single leader and the speeches...

**Shri Kamath:** There is no organized Opposition either.

**Dr. Pattabhi:** ...are of the variety, the same variety, to which we have been accustomed in this House.

**Shri R. Velayudhan:** Is it?

**Dr. Pattabhi:** They ask for the termination of this Act all at once. That might be done. I was almost thinking whether my hon. friend Dr. Mookerjee was not asking for a general amnesty such as we ourselves had obtained when the Montagu-Chelmsford Act was implemented in the year 1921. I remember, too, the statement of the King at that time addressed particularly to those who swore by violence to the effect that they had better abjure violence thereafter and take to law-abiding methods. There must be a common ground when you suggest that confidence begets confidence. It is a truism, almost bordering on a platitude and has even become a trite saying. That saying would be applicable to the present conditions, provided there is a common basis of thought, action

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and procedure. Is there any such thing?

The Communists have chosen to come into the Legislatures. It is not because they have given up their time-honoured and traditional methods, but because they want to shoot with a double-barrelled gun—one from inside the Legislatures and one from outside. Outside their implement is a veritable gun—it is a Bren gun, it is a Sten gun, it is a sword, it is a lance, it is a lathi: anything that comes to their hands to be applied to anybody whom they come across.

**Shri R. Velayudhan:** All these are with the Government today.

**Dr. Pattabhi:** They are with the Government, but the Government knows when to use them.

**Mr. Chairman:** The hon. Member should be patient and should not interrupt. He had his say.

**Dr. Pattabhi:** A leopard cannot change his spots nor an Ethiopian his skin. It is no use wasting our words on friends like this. My friend, Mr. Velayudhan, is smiling—he appears to enjoy it.

Now you all know that the Communists have openly refused to abjure violence. Their leader, Mr. Dange, has refused to fall in with this view. In the face of a declaration to that effect, how can you ask the Government to play a one-sided game in which they must release all the prisoners and take the chance? Twenty-two States are involved and a termination of this Act will be attended with repercussions of a most serious character at a crucial period in the history of this country, at a time when the old Parliament and the Legislatures are coming to an end and when the new Parliament and Legislatures are not on the stride. In between there is an interval of two to three months in which the Communists are all powerful with their organisation, with their avowed principles of violence and with their implements of warfare. And you have disarmed and made helpless the Governments which have been fighting this formidable force in the country.

I know the tactics of the Communists. They were against the Government and for mass civil disobedience movement in the first two years of the war. And then when Russia entered the war they changed their tactics and said this is a people's war and we must co-operate with the

Government. They were released immediately and they made the best of the position that they found themselves in. They tried to help the village people with instruments, with agricultural axes, sickles, ploughshares and tyres for double bullock carts and thus endeared themselves to the people at a time when the controls were very rigid and the people in the villages were absolutely helpless.

**Babu Ramnarayan Singh:** Who is to blame?

**Dr. Pattabhi:** Whoever may be to blame the results are there for you to tackle and you are confronted with them. You cannot escape the logical consequences of past history. Now that being the case they changed their tactics and I came across a printed circular, dated the 16th December 1945 when the Congress people had been released. It says: "So far we have been discouraging strikes, now we must encourage strikes." Why? Because Congress Governments are coming into power. And from that day they have not left undone any single act in order to embarrass the Congress Governments. In the circumstances it became inevitable that some severe steps had to be taken and their attitude has not changed uptodate.

I was in jail for three years in Ahmednagar Fort and when I went to my district I found it absolutely impossible to hold a meeting, because the Communists would pounce upon the meeting, beat the people, break the lamps and disperse the meeting. Seventy-two incidents had taken place. I said that defensive lathis should be taken by the people. In the next three years there were only three incidents.

It is all easy to speak of non-violence, but while non-violence is better than violence, violence, we thought, was better than cowardice. In the circumstances we had to take defensive measures. Now that is over. What is the position today? Yes, our friends have come into the legislatures; they have succeeded by what means it must be a matter for an investigation committee to judge. In Malabar ration cards had actually been distributed allowing 16 ounces *per capita*.

**Shri R. Velayudhan:** It is not correct.

**Shri Damodara Menon (Travancore-Cochin):** I challenge that statement.

**Dr. Pattabhi:** I accept the challenge. Plots of land were assigned on *pattas* and when these poor, innocent people went to the *tehsildar* he said: "These people have no power to give land. Perhaps when they come into power they may give you". But is there land enough to be distributed at the rate of five acres *per capita*? Absolutely not, not even half an acre. However it be, it is unnecessary for any purpose to go into the details of these facts.

But the fact remains that in Hyderabad Mr. Vellodi, the officer-in-charge of the State, has promised complete release of every man, provided they tendered their weapons. No, they would keep their weapons and yet seek liberty. (*An Hon. Member:* No.) What is the good of saying 'No' when the fact is there? Mr. Vellodi has repeated this offer time after time, but the weapons would not be forthcoming and therefore the general release has not been ordered. Give the weapons and put Mr. Vellodi's word to test, then you will see whether Government are genuine or not.

Now this is the position we are in and this country must be governed. Either you must govern or get out. There is no middle way: Of course the Communists say: "Get out and we get in". We know how they established their power in China by getting hold of one province in China—Sinkiang, I believe—and rapidly extended their domain to the rest of the country. Here they want to make Telengana, a portion of Hyderabad, and certain Telugu districts—Guntur and Kistna—as the base from which to conduct their operations. It looks as though they are almost on the way to success. And now our friends here want to help them for establishing their power and their supremacy, by asking them to be released wholesale without any conditions. We also asked for such concessions; when we were in jail our representatives or our sympathisers were always urging the Government to place confidence in us. "Confidence begets confidence" is a good saying when there is a basis of non-violence at the bottom; not otherwise.

As for the successful candidates I know of two very important men who immediately the results were declared were released by the Madras Government. One of them was re-arrested, because there were warrants against him. He of course was released again on bail.

My hon. friend Dr. Mookerjee spoke as though he was asking for a general

amnesty—he did use that word—and then he said this success in the elections of a certain number of people in the different provinces must spell complete liberty and an effacement of all the previous charges of violence that were being levelled against them. And they were evading the warrants. Do you mean to say because you have succeeded in the elections it has given a *carte blanche* to you to go on claiming exemption from all the operations of law which have been in force, which have been set in motion before your release?

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**Shri R. Velayudhan:** That was a lawless law.

**Dr. Pattabhi:** It is not a lawless law. We must not prattle like that. It is a lawful procedure. It is the procedure according to the court and according to the Act; the lawless act was on the part of the people who evaded it and who wanted to have their secret activities. Therefore the police were perfectly right. Of course the cases will come up for trial. It is open to you to put up your defence in the trial and get out. You are not debarred from that. Every facility you can claim.

**Shri Sarangdhar Das:** Why not bring them to trial?

**Dr. Pattabhi:** They are being brought to trial. Gentlemen in Orissa do not know what is happening in the South and in Madura district.

We offer the hand of co-operation to the Communists. Communism *minus* violence is Gandhism. Somebody asked me: what is the difference between Communism and Gandhism? I said Communism *minus* violence is Gandhism. Similarly Gandhism *plus* violence is Communism. That is the simple equation of arithmetic in political science. I am not for the millionaires or the landed aristocracy or the industrialists. I want them to be ended as soon as possible consistently with the interests of the State and their private interests. You cannot say that Gandhi has said this or that. Gandhi has said so many things. Of course, all his tenets and sayings and preachings were more or less Communist. Only, he did not deny God in the temples, nor property in society, nor morals in family—three denials which unfortunately the Communists assert! Barring this, Gandhism is nothing but Communism. And Gandhi was an anarchist, not an anarchist. He did not want monarchy or diarchy or autarchy or oligarchy or 'demo-archy'. He did not want that each man should live unto himself in a State in which there is no law or no relationship to society.

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When that was his high ideal you cannot say that we are not responding. Only, all co-operation is of a responsive nature. It is in the measure in, and to the degree to, which the opposite party lends support.

Some friend has spoken of the *Razakars* and the amnesty that was given to them. Very good. The *Razakars* were treated as prisoners of war.

**Shri R. Velayudhan:** With the support of the Congress.

**Dr. Pattabhi:** The war ended, the Nizam was defeated, and the reign of law began. And every reign of law must begin with an amnesty to all those offenders and the release of all the prisoners of war. Not to have released them would have been a flagrant error. It is true that the *Razakars* wanted to set up a rival Dominion against the Indian Dominion. They wanted to have a king, they had a flag, and they had a cause. But the king was defeated, the cause was destroyed, and the flag was downed. Therefore, there was nothing else to do with these people in jails. To feed them was a waste of money, and they were released.

A criticism has been levelled by one friend, Prof. Shah I think, that there is not even a word of regret from the Home Minister. (An Hon. Member: It was Mr. Kamath). Oh yes, Mr. Kamath. I am sorry. He did say that. In justification of the Home Minister I would only say that he did not satisfy himself with an infructuous regret, he was giving you fruitful sympathy. His last statement was magnificent and even superb. He said: 'six months is a short time'; it may be four months or two months; give indications of your change of heart and tomorrow yours is the liberty; stick to your own ideals and our own law will operate. Can there be a fairer offer from a Minister to the people?

**Shri Kamath:** A sporting offer!

**Dr. Pattabhi:** It is a most sporting offer. I know Mr. Kamath was feeling in his heart of hearts a certain hesitancy.....

**Shri Kamath:** No.

**Dr. Pattabhi:** ...a wise hesitation, a wise tardiness and a wise reserve in speaking out in an extreme manner. Today he was qualifying himself almost for a place on the Treasury Bench. I was simply pleased at the (An Hon. Member: Sobriety) yes, that is the word—sobriety which he was showing. And even in the voice and

tone of the Leader of the Opposition, Dr. Syama Prasad Mookerjee, I missed that fervour and that enthusiasm which we were accustomed to associate with him. He is the Leader of the Opposition. The Leader of the Opposition has a duty in Parliament, in democracy, in responsible Government. It is the duty of the Leader of the Opposition to oppose the Government in power by all fair means, if possible and—the words are those of Balfour, not mine—by all foul means, if necessary. That is the position of democracy, and as I quoted it once in this House I am hesitating to quote it a second time. But my contention is that the Home Minister has been really sincere, whole-heartedly trying to meet the Communist friends more than half way and only wanted them to say "We change our heart and we give up our weapons". And when you do that every Communist in the country is as much a free man as myself.

**Shri Mirza (Hyderabad):** I have listened with a great deal of attention to the speeches made on the Preventive Detention Act this morning. There are certain common grounds on both sides of the House. One is that the civil liberties are sacred and must be respected. The second is that the security of the State—to quote Mr. Kamath's words "should not be jeopardised". These two factors are dear to every Member in this House. The choice before the Government was something like Hobson's choice, that is, to look to the security of the State and at the same time see that civil liberties are not injured. When I was hearing the speeches of Mr. Kamath and Prof. Shah, and even Dr. Syama Prasad Mookerjee, I was wondering whether they were opposing the motion or supporting it. Because, all of them have admitted that the security of the State is important. Prof. Shah wanted preventive detention of certain black-marketers. Mr. Kamath wanted preventive detention of a certain other section of the people. So they were advising the Home Minister whom to detain. That is not speaking against the principle of detention. If you are taking a stand on civil liberties, then those civil liberties apply not only to good men but also to very bad and very wicked men. So their professions for civil liberties are not really very strong. Now the crux of the problem is only this that when these two opposite views are before you then the choice has to be made and you have to weigh which is more important. Now what we have to consider is whether the conditions in the country are the same or in any

way better than what they were a couple of years ago when this House with a great deal of hesitation and a great deal of reluctance passed this measure. I want to submit to the Home Minister that there may be difference in estimation of the nature of the change and on that will depend whether we vote for the extension of the measure or not. What were the conditions then and what are the conditions now? At that time when the measure was first introduced, there was between Pakistan and India a relationship of great strain. Refugees in lakhs were pouring into this country, who were persecuted, who were homeless and helpless and that created a feeling in this country of reaction and bitterness. People were there who were ready to exploit these communal feelings for their political ends and then there was another political party in the country which was not only preaching but practising violence; and all normal methods of law were tried, but they were found wanting. So the Government at that time had decided to ask for extraordinary powers, to deal with an extraordinary situation. But now the conditions are different. In spite of the fact that the Kashmir question has not been solved, the relationship, the tension between Pakistan and India is not so great as it was at that time. Now the refugee problem has been to a great extent solved and I can say from the floor of this House that though there is a lot of criticism about it, the way in which country has solved the refugee problem is a thing for which this country can be proud before the whole world. There is not a single country in this world today which had to face such a big problem and which had solved it so efficiently. There are refugee problems in Arabia, Israel, Turkey, Europe itself with all the help of the United Nations and so on but they are a very paltry problem compared to the problem we had to face and we have solved it.

So the reason that was given by Rajaji when he introduced this Bill that people are exploiting communal passions and exciting violence no longer holds good.

**Mr. Chaurman:** I request hon. Members to talk slowly so that it will not disturb the speeches made. At least some hon. Members are here who are anxious to hear what is going on here.

**Shri Mirza:** In the political field there was also a great deal of change. Up till now the Communist party or those who are allied with that party have been openly preaching and practising violence. Now for the first time they have taken to the ballot box and

they have succeeded in many places. I welcome this change heartily, because we have to concede that there are idealists also in the Communist party in spite of bren guns and bullets and so on. We require only a few idealists to give strength to the whole movement. When there are certain idealists in the Communist party, you might say that their ideals are wrong, but I submit that they function in a peculiar way. An idealist might give up his life for preserving an ideal or custom. It may be a very wrong ideal to pursue but that will be a good ideal from his point of view and he may feel that he is doing a virtuous act. The strength of the idealist is not sufficiently recognized. But an idealist has one weakness and that weakness is his strength. Once he is made to change the direction, there is no power outside or within himself to help him go back to the same road. A Valmiki when once takes the turning on the road, there is no power on earth, not even in Valmiki himself that could turn him back to the same road that he was taking before. That change has come in the political structure of the Communist party. Now they have taken this turning and accepted the constitutional method. You might say that they are pretending as my friend Dr. Pattabhi says. Let them pretend and pretence itself will become a reality very soon, because in the Communist party itself there is opinion growing that here is the weapon, here is the shorter way to gain the goal and that opinion will assert and this Government should encourage that feeling. Opinion is getting more and more strengthened that they must change the direction. It has already come in the Communist party and should be allowed to become permanent.....

**An Hon Member:** Are you opposing or supporting it?

**Shri Mirza:** If you cannot understand simple English, I do not know what I should do. If you want further explanation, you can see me after the House adjourns.

I personally feel that the conditions have changed all to the better and my hon. friend, the Home Minister might say "all this has come about because there is the Preventive Detention Act. We have been functioning with that weapon in our hands and that is why all this change that you say had been brought about". I am not prepared to give that compliment to the Home Minister. I can admit that it is there as a check. It has met an emergent situation very well so far but the

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change is due largely to the foreign policy we have been pursuing, the change is largely due to the act of great statesmanship and courage of releasing the Communist detenus on the eve of the General Elections. That was an act of very great statesmanship and the future history of this country, when it is written will recognize that the course of political history of this country has been largely affected by that courageous release of the detenus, inspite of the fact that they have been fighting against us, and inspite of the fact that especially in Hyderabad where they have gained so many seats; I think, in the country's interest, that was the wisest step taken and it is because of that there has been a change. Now, do you not think that this gain we have made should be consolidated? Do you not think that this country should have a well-knit Opposition, that this country's people should discard violence and give room to people to whatever party they may belong or whatever ideology they may hold and oppose the Government by taking to non-violent methods? Some might say: "Do not be a fool. Do not be taken up by what they say". I know what Mr. Kamath says about the removal of the ban on the Communist party. How can the ban be lifted when they give conditions? How can the Communists claim that they should be entitled to hold unlicensed arms while other citizens of the country are not allowed to do so. (*Interruption*). There is one party which is very active in Hyderabad which wants to surrender arms only after they are released. We cannot make conditions like that. That is surrendering the sovereignty of the country to a small party in a small state and that may not be allowed. The workers in the Industrial Revolution first tried to break the machine and destroy the factories and then the people started tolerating them and later they started co-operating and functioned, as partners. Similarly this new machine that the Communist party is handling, this constitutional machine of ballot box, they will resent first, then they will begin to tolerate it and then they will begin to work it enthusiastically. I have no terrors of this Communist party. Once they come forward and work this machine, once their idealism comes in contact with the realities of the situation and the country's problems, they will change considerably. The word 'Communism' might remain 'Communism'. It might be that the Communist party may come to power one day, but the contents of the Communist party will be entirely

different from what is written by Karl Marx and by what is preached by certain people today.

So, it is on this estimation whether this change is right, whether this change should be encouraged or not, whether the Preventive Detention Act has served its purpose or not, that the vote of this House has to be given. If the hon. the Home Minister thinks that the conditions are still such that for some time longer this Act should be on the statute book, he should enlighten the House a little more because we must satisfy ourselves that we must have this measure for some time longer. This is a measure which we and the Government have put on the statute book very reluctantly only for the purpose of the security of the State. Before we extend its life we must satisfy ourselves that the conditions are such that this law is still necessary. We should not fear that the Communists will exploit the situation. They might come with a desire to kill; when they do come, I am sure they will stay to pray.

**Shri Damodara Menon:** I am glad that my hon. friend Mr. Mirza has given expression to a view which will find acceptance from many quarters, both inside and outside the House. The question we have to consider now is this: do the conditions of the country today justify the extension of this Act or are the conditions improved in such a manner that we can terminate the Act even now? I think there is no point in saying that this matter may be left to the next Parliament because that is a more representative House. This measure itself came into existence as a result of our deliberations. This Parliament, if it feels that there is no justification for this measure to continue can take a decisive step and abolish it. The question is therefore whether the conditions in the country justify our taking this step.

My own view is that the situation in the country has definitely improved and we must look at this whole problem from that stand point. The Communist party has declared that it has given up violence.

**Some Hon. Members.** Question.

**Dr. Pattabhi:** Where?

**Shri Damodara Menon:** They have I am sorry that my hon. friend and leader Dr. Pattabhi has not followed recent events carefully. I will have to refer to the matter later on. They have in many places.....

**Some Hon. Members:** Nowhere.

**Shri Damodara Menon:** They have adopted the constitutional methods and the recent elections have shown that. The question, therefore, will be, "Do you believe them or not?" Many of our friends are of the view that they cannot be trusted.

**Dr. C. D. Pande (Uttar Pradesh):** Merely going to the polls cannot mean that they have accepted our principles.

**Shri Damodara Menon:** It may be that they have not accepted the principles of the Congress party. But, the question is whether by their going to the polls they have accepted the normal democratic procedure to establish power or not. If you ask that question, there is only one answer to that. They are following the democratic procedure, the non-violent democratic procedure for getting the vote of the people to come into power. When they have done that, let us accept them and not go behind and question their intentions. Motive hunting is a dangerous game in politics. I would request my hon. friends as Gandhians not to go behind what they have said. Take them at their word and see what they are going to do.

There is another point to which I want to refer. While speaking on the President's Address, the hon. Prime Minister made reference to the recent elections. He said that the results of the elections have shown the mind of India today. What is the mind of India? We who represent the people of India have to give expression to that mind. In many parts of India, in places where this Preventive Detention Act was working in a very disastrous way, the people of India have expressed themselves and they have given their vote to the very persons whom you have kept under detention. That is the verdict of the people. I want to ask my hon. friends here, are we democrats or not? If we are democrats, we have to place faith upon the sense of discrimination of our people. They have declared that they have confidence in the very people against whom you have issued warrants of arrest, and whom you have kept in detention. I am sure that this is not a vote for Communist principles as such; it is a vote against our repressive measures, the mistaken repressive policy we have been pursuing all these months. Therefore, if we have faith in democracy, we must accept the verdict of the people and release all these men we have kept in detention.

I read recently in a daily paper in Travancore-Cochin where the Congress has suffered a defeat, and where many Communists have been returned to the Legislature, an appeal or a suggestion to the Congress High Command. Of the total of 108 seats in the local Legislature, about 32 seats have been won by the Communists and the Congress party has only 44. The paper has pointed out that about 12 Communists who have been elected are either in detention or underground. The suggestion is: let us keep them there in detention and then, their number will be reduced to 20; the total will be 96 and you have 44; if you have a few more Independents, the Congress can run the administration. I want to ask the hon. Home Minister whether that would be the policy of the Government. I read in the papers today that the Congress High Command has allowed the Congress party in Travancore-Cochin to form a Ministry. Probably if these Communists are kept under detention, it may be possible for them to run the Government there. (*Shri R. Velayudhan*: Shame.) But is that democracy? If we want to preserve democracy in the country, let us accept verdict of the people and not go behind. If we do it, then, the fate of democracy will be a sad one.

I want to refer to one more point, because reference has been made to it by Dr. Pattabhi Sitaramayya for whom I have the greatest respect. He said about the conditions in Malabar. He said that the Communists got votes there by issuing false ration cards. I do not know who gave that report to him. That is a wrong report. He did not go to Malabar. Some Congressmen in their zeal sent these misleading facts to Dr. Pattabhi and he believed them. Do you think that the people of Malabar—I have great respect for their intelligence—will be taken in by the false issue of ration cards? This is a very wrong statement.

I hope Dr. Pattabhi will ascertain the truth of this statement and correct it later.

**Pandit Thakur Das Bhargava:** People were promised five acres of land by Communists in my constituency also.

**Shri Kamath:** And bullocks were promised by the Congress.

**Shri Damodara Menon:** So many promises have been made. Has not the Congress party promised many things? What is your economic programme? The Communist party's economic programme may be that: I do not know. But, if they have that



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economic programme and if they are not able to implement that programme, they will go the way of those people who have been making false promises and have not been able to implement them. Here is a question of fact. Dr. Pattabhi said that false ration cards were issued by the Communist party to gain votes. That did not take place. I challenge that statement.

Before closing, I once again appeal to the hon. Home Minister to take a more helpful and generous attitude towards the Communist party because, as he has himself explained, a vast majority of the people who have been kept under detention are Communists. Their policy and their attitude have undergone a recent change. Let us take them at their word. Let all those people who have been elected to the Legislatures be released and the ban on them removed. That is the only just act. I hope the Government will do that.

**Pandit Thakur Das Bhargava:** I have heard with rapt attention the speeches of my hon. friends who preceded me. I find it very difficult to understand their point of view. When Dr. Mookerjee was speaking I thought that he was speaking as if a new era of reforms was sent to us by an alien Government. Nothing of that kind has happened. Only the elections have taken place and that is a usual feature with all democracies. There is no change in the Government and as such I do not understand on what basis Dr. Mookerjee wanted an amnesty for all people. It is very easy for Dr. Katju and Pandit Nehru to pass an order releasing all people and to be hailed as the deliverers of many people who are now in jail. But will that be just? Will they be doing their duty to their countrymen and to the country?

**An Hon. Member:** Yes.

**Pandit Thakur Das Bhargava:** No, certainly not. When I heard the speech of Mr. Kamath I was reminded of those days when he and others like him were fighting in the Constituent Assembly for making a good preventive detention law, but I know he failed to convince the members of that House and failed in his.....

**Shri Kamath:** I opposed it every time.

**Pandit Thakur Das Bhargava:** Yes, but failed to convince the...

**Shri Kamath:** I could not convince people who had closed mind.

**Pandit Thakur Das Bhargava:** Then according to my hon. friend those who framed this Constitution had closed minds.

**Shri Kamath:** Yes, the majority of them.

**Pandit Thakur Das Bhargava:** But the majority of them enacted this Constitution and this Constitution has been accepted by the people of the country. And even now I heard from my hon. friend that the Communists also have accepted this Constitution.

**Shri A. C. Guha (West Bengal):** No, they have made an open declaration that they do not accept this Constitution.

**Pandit Thakur Das Bhargava:** I know they have. But some of them at least, have stated that they accept this Constitution.

**Shri R. Velayudhan:** Can the people not change their own Constitution?

**Mr. Chairman:** May I request hon. Members not to make so many interruptions?

**Pandit Thakur Das Bhargava:** We have passed the Constitution and this Constitution in articles 22 and 23 says that we can have a preventive detention law, and we have enacted that law. We have done it after considering all the circumstances. In one day we passed that law under an emergency and then we renewed it under the able guidance of Shri Rajagopalachari. Am I now to understand Mr. Kamath to say that we committed a mistake then? Mr. Kamath has been leading people to believe that we committed a mistake then. But I do not agree with him. I was one of those who opposed certain parts of the provisions of articles 22 and 23 and certain parts of the Preventive Detention Act and wanted a better provision. I was one of those who did that but the House did not agree. I wonder why these gentlemen should read out homilies on civil liberty to our Home Minister and others who have passed their lives in prisons under an alien Government and know very well what civil liberty is.

**Shri Kamath:** So have we; most of us have been in prison.

**Pandit Thakur Das Bhargava:** Because Mr. Kamath has taken up this attitude, I think he has thereby contributed a great deal towards creating

an atmosphere in which this Bill must be retained, for at least six months. What is his plea? He says that all those persons who are after the security of the State, who do not want the security of the State and who, according to him, were not behaving in the proper manner, they should have been put in detention under this Act. That is his complaint. He said that the *Razakars* or others who shouted for Pakistan and who set up the flag of Pakistan and cried "Up with the Pakistan Flag", they should be brought under this Act and.....

**Shri Kamath:** The Act has not been worked properly.

**Pandit Thakur Das Bhargava:** Yes, properly, by which he probably means that these people should be behind the bars and detained in a preventive manner. That is what he means. My other hon. friend, Prof. Shah says that the black-marketers should come under this law. Therefore, according to these very hon. Members who oppose this measure I understand there is great need for this Bill and for the continuance of this Act. According to them...

**Shri Kamath:** No, not according to me, at least.

**Pandit Thakur Das Bhargava:** But according to the words which you uttered in this House there is need for the continuance of this Act. (*Interruptions*) I do not mind interruptions, but the time of the House is being unnecessarily taken up.

**Mr. Chairman:** I think the House is entitled to listen to the hon. Member without so many interruptions. There seems to be a regular run between Mr. Kamath and Mr. Velayudhan, trying to interrupt the hon. Member.

**Shri Kamath:** Pandit Bhargava welcomes interruptions.

**Shri R. Velayudhan:** When I spoke all the Members were interrupting me.

**Pandit Thakur Das Bhargava:** If we had the time I would not have minded the interruptions. I would actually have welcomed them.

We have heard it stated in this House that the verdict of the people should be respected. Dr. Mookerjee said that it should be taken in a sporting manner. But what is the verdict of the people? The country has returned Congressmen and given a vote in favour of the continuance of this Government. This Government thinks, that

though the tempo of Communist activities has decreased, such activities have not ceased and we must continue this law. May we know why we should not accept this verdict of the country? But does any hon. Member contend that these activities have ceased? Have they ceased in respect of the three matters—maintenance of peace, essential supplies and the security of the State? I for one would like that the Government acted not only with fairness but also with liberality and released those whom it can with safety release. But all the same I would be reluctant to agree that the law should be strained in favour of those who have been elected. I know the elections are a good test, but I will not be surprised if my hon. friend Mr. Kamath tells me that the elections are not always a good test. I have great confidence in Mr. Kamath and some others who have lost the elections and I consider them very good patriots. It does not follow that because they have lost, they cease to be good men or good patriots. The election is not the sole test. If after being elected, a person goes about the country and commits a crime, is he not amenable to the ordinary law of the land?

**Shri Kamath:** Arrest him under the law.

**Pandit Thakur Das Bhargava:** Again the same thing. I do not mind the interruption; but there are not only words that come from the hon. Member's mouth but there are his gestures and gesticulations and waving of hands and they cannot be appreciated by me.

I was submitting that I could understand the release of persons who could be released with safety. That plea may be put forward. But if you say that a person has been elected and therefore he should be released it will be a travesty of law and justice. If a person has committed certain acts and if he is guilty of certain concrete acts, if he had behaved in a particular way some time ago, will all that act be washed away simply because he is now elected? There is in France the *Droit Administration* which distinguishes between man and man; but so far as India is concerned, we have no such law and if a man is elected, he does not thereby get immunity from the results of the acts done by him or the liabilities incurred by him. My submission is, release as many as possible, on merit, not because the person has been elected. The hon. friend who just preceded me said that many Communists have been elected. Let them be released if they can be released

[Pandit Thakur Das Bhargava]

with safety. Let them not be kept under detention even a day longer. They should not be kept under detention in order to form a Congress Government in the State. But at the same time, if the claim is that because they have been elected, therefore they should all be released, then I am sorry I cannot agree with that.

**Shri Kamath:** That was the view of Sardar Patel and also of Shri Rajagopalachari.

**Pandit Thakur Das Bhargava:** Sardar Patel said that if persons are elected and they get their own majority, they should rule the country. In that he only expressed the opinion or the dictum of the whole world in regard to democracy. They can come and take up the Government. They are welcome to do it. But did Sardar Patel say that as soon as a person is elected he is immune from the consequences of his acts of commission and of omission? He did not say that. It is a curious position. Mr. Sarang-dhar Das said that the Government did a wrong thing in releasing those people for purposes of election, whereas Mr. Mirza said that this was the one act which was of great good and merit to the country. I must submit that the Government did very well, in my humble opinion, when they released some of them who wanted to stand for election. Which other Government would have acted in that way? As I said they did very well when they released some of them to enable them to stand for the elections. After the elections they will be given full rights as elected members of the Legislatures. They will have their right to represent the people and they will have their right to vote. But I fail to see how on account of the elections alone these people were entitled to be released, if they are guilty of acts which according to the law of the land are crimes. They must have the consequences of their acts.

A sporting offer has been made by the hon. Minister Dr. Katju and such an offer should have been clutched at. Supposing this Bill is not passed, what happens on the 31st March, 1952? The Act will expire and then what will Government do? Either the Government will have to do its duty by the people and keep order in the land. (*Interruption*) Not for people like Shri Velayudhan but people in general. How many people are in jail? Out of 35 crores of people only 1650.

**An Hon. Member:** Even he is sitting here!

**Pandit Thakur Das Bhargava.** My submission is that on the 31st March

this Act expires and if they have not an Act like this they will be justified in passing an Ordinance. But because this Government does not desire to pass an Ordinance, therefore it should be condemned. If the Parliament is not sitting at the time the Government will certainly be within its rights to have an Ordinance passed. Does this House want that the Government should pass an Ordinance of this nature? I do not want that. So it is a very good act of grace on the part of the Government to have brought this Bill before the House. The hon. Minister has left entirely everything to the new House. When it comes into being it will have occasion to go into the question and if the new Parliament does not want the Act, certainly it can repeal the law. I would welcome the day when the House will be so minded and the situation is such that no person need be kept in detention.

But now since adverse advice comes from Prof. Shah, Shri Kamath and others and I fail to visualise the day when we will be able to repeal the law. It is an abnormal thing that a man should be kept in prison without trial. At the same time it is no use telling me that either in England or in the U.S.A. the position is not so. According to articles 22 and 23 of the Constitution which we have passed, the law is not a lawless law but a lawful law and according to that if persons are to be detained in public interest they must be detained.

**Shri R. Velayudhan:** Monstrous law.

**Pandit Thakur Das Bhargava:** It is perhaps meant for monsters and therefore it is monstrous...

**Shri R. Velayudhan:** \* \* \*

**An Hon. Member:** \* \* \*

**Pandit Thakur Das Bhargava:** My hon. friend's place is not here and he must go to the angels to whose ranks he belongs. It was passed by a majority of the House and he was himself a party to it.

All the same I submit that the situation in the country is not as bad as it was in 1951. My friend says and the Communists also say that they have abjured violence. Mr. Kamath said in the House today that he did not believe in the words of the Communists and that their declaration is of no value. We also know it. What

\*Expunged as directed by the Speaker.

did Sardar Patel and Rajaji say? We should judge them more by their actions than by their words. Dr. Pattabhi just now said "Let them give up their weapons and let them show the change by their action". I for one would not put a man in detention if he said "Pakistan Zindabad" or "Hindustan Murdabad", or merely shouted some other slogan. But certainly if he acts in conformity with that I will certainly see that he is put in jail. If people do not show by action that they have abjured violence and have taken to non-violence and democracy, I would not believe what they say. I am one with our leaders that a man should be judged by his acts and not by his words.

What is happening in Saurashtra and other parts of the country, such as Rajasthan, Kashmir and P.E.P.S.U.? Is the situation so good that we can manage without a law like this? Though I am not in favour of this law, all the same the position is such as is stated here, that these activities have not ceased though the tempo is reduced. After two or three months when we shall take stock of the situation, it will be for the new House to say whether they would like the Act to be continued or not. It is for the people who come here, including the Communists, to convince their friends. That is the way of democracy. Let them convince the House and I am one of those who will be coming to the new House. We will certainly see if the situation warrants that the Act should be repealed.

Mr. Kamath and others made a charge against some of the members of the Congress party, which was really a hit below the belt. They said that this Bill will be passed because of the party being in majority, as if the members of the Congress party have no conscience. I for one would not vote for the Bill if I did not feel that it was a proper legislation. He is entirely mistaken in thinking that since the Government want the Act, therefore we will not raise any objection and will vote for it. As a matter of fact I am fully convinced that there is need for it. How can it be claimed by any person with his hand on his heart that the conditions are such that the Act should be repealed? If he had advanced better arguments I would have been happy to be convinced. As at present advised I do not feel that it can be repealed at this stage. We deliberately enacted certain articles in our Constitution and under them the country requires this law. We are not in England or in the U.S.A. It is useless to tell me about them. Conditions

are different there. We in our country decided that we should have such a law if there is necessity for it and if there is no necessity we shall do away with the law.

**Shrimati Jayashri (Bombay)**: Most of the speakers have in their arguments made out a case that this Act is meant only to suppress the Communist party. But they forget that at present in the country there is another more dangerous element, the gangster element, I should say, which is encouraged by the ex-Rajas and Maharajas and, I am ashamed to say, by some of the Ranis also. Especially in Saurashtra, as the Home Minister said yesterday, there is such terrorism encouraged by the Rajas that there is one gangster called Bhupat whose activities have become notorious. You must have read that in the last election many of the candidates were threatened that they would be killed and some of their workers were killed by this gangster leader. So in order to suppress this element also I should say that the continuation of this Act is necessary.

Besides I would request the Members to think of the threat that is made by the Maharajas to the unity of Akhand India, which we have achieved through the efforts of our revered leader Sardar Patel. That unity is also threatened. So I would request the Members to think about these things and not to say that this Act is only meant for suppressing the Communist elements.

**Shri Hathi (Saurashtra)**: From the speeches of those hon. Members who advocated that the duration of the Preventive Detention Act should not be extended, at least one thing has transpired and that is that they all agree that law and order should be maintained in the country at any cost. I do not think there is anybody who does not want it. Of course, some hon. Members have classified the activities to which, or the classes of persons to whom the Preventive Detention Act should be applied. For example, my hon. friend, Prof. Shah wants it only for the blackmarketers. But the whole thing centres round one thing which is a question of fact: whether we have in this country reached a stage where the Preventive Detention Act is necessary, or not; whether we have reached that level where we can allow certain anti-social elements to work in the manner in which they have been working or whether it is possible for us to persuade these anti-social elements not to engage in these anti-social activities; and whether we can have recourse to

[Shri Hathi]

the ordinary process of law. These are the things we have to judge.

As my sister Shrimati Jayashri just said about Saurashtra, there, coming from that State as I do, I may say that even during the elections when the people had to give their verdict by ballot the anti-social elements tried to terrorise the people by killing innocent men, women and children at random. I may just narrate one instance. A meeting was being held in a small village; five men came up with guns, simply fired at random, killed about eleven men including a boy of 14, and openly said, "You should vote not for Congress but for us, and if you do not, this will be the fate you will meet". Now, is it possible for any Government to allow these activities to be carried on and is there any alternative for them but to take those persons to task under this Act? Some hon. Members say, "You have got provisions in the Penal Code, you can challan these people in any magistrate's court and if they are arrested they can be hauled up for any offence that may be proved against them". This is all right so far as theory goes, but in a case like the one I have quoted this dacoit has created such terror in the heart of everybody there that they are all afraid even to move out after five o'clock in the evening, and that being so, would anybody come forward and say that a particular man gives shelter to that dacoit? No one will come forward to do that and if any one does I know he will no longer be in this world. If the dacoit gets even a scent that somebody gives information that he is sheltered by a particular individual, then that man will not remain in this world. What is to be done then? Is that man to be brought in the witness-box to say on oath, "Yes, I saw a particular man coming there and taking shelter"? But nobody will come forward to give such evidence. What then is the remedy? The only remedy is that certain persons against whom there is *prima facie* evidence have to be detained.

Now, are there no safeguards in the Preventive Detention Act? There are sufficient safeguards. The cases have to be submitted to the Advisory Boards which consist of persons who are qualified to be or have been High Court Judges. That Advisory Board examines the cases and gives its opinion whether the persons concerned are to be detained or are not to be detained, and the Government is bound by the decision of the Board.

Supposing we take off the statute-book this particular Act as my friend, Mr. Kamath wants us to do, what will be the condition on the 31st March? All these persons will have to be released forthwith and then imagine the condition or position in which these Governments will be placed. Not only the Governments, even the people—I do not mind what the position of the Government may be but I care much for the people. The people will be in an absolute state of helplessness; they will not be in a position even to stay in their homes safely. That is the position in certain areas of Saurashtra and though I do not know it personally, I understand a similar position obtains in parts of Rajasthan and P.E.P.S.U. Some of us may be champions of liberty to a great extent, but all of us, of course, know that the right of citizenship, the right of liberty are all to be respected and that they are guaranteed by the Constitution. But we have to make a distinction between liberty and licence. We cannot allow persons to act as they wish, we cannot allow them to play with the lives of innocent men. We have to be careful: there have to be certain checks, there have to be certain restrictions as in every country there are. We cannot allow any man or any class or any community to carry on anti-social activities that endanger the life and liberty of the people. I therefore support this Bill on the ground that it is not only necessary but is essential at the present juncture.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** Madam, the question be now put.

**Mr. Chairman:** The question is:

"That the question be now put."

The motion was adopted.

1 P.M.

**Mr. Chairman:** The House will now stand adjourned till 5 P. M. when, after the Budget, the legislative business will also be taken up including the reply of the hon. Minister.

*The House then adjourned till Five of the Clock.*

*The House re-assembled at Five of the Clock.*

[MR. SPEAKER *in the Chair*]

GENERAL BUDGET 1952-53.

**The Minister of Finance (Shri C. D. Deshmukh):** I rise to present the Budget of the Central Government for the year 1952-53.

This is only an interim Budget although it has been prepared as usual for a full year. Its main purpose is to place before Parliament an account of the finances of the Central Government for the current year and the prospects for the coming year on the existing basis of revenue and expenditure so that the House may know the general background against which it has to deal with the Demands which will be placed before it for a Vote on Account to meet the expenses of the administration till the new Parliament considers and passes the Budget for the whole year. The Budget which I am now presenting will be presented again in due course to the new Parliament with such changes as the new Government may consider it necessary. Meanwhile, Government propose to ask the House only for a Vote on Account to meet the anticipated expenditure during the first four months of next year and to approve of the continuance of the existing measures of taxation.

A White Paper giving an account of the economic conditions in the country during 1951 and the main features of the revised estimates for the current year and the Budget estimates for next year is being circulated with the Budget papers. I do not therefore propose to make any detailed speech introducing the Budget but I shall content myself with giving the House a brief account of the salient features of the Budget.

Before I deal with the estimate I should like to mention briefly the main developments in the economic conditions in the country during the year which is now drawing to a close. As hon. Members are aware, the vagaries of the monsoon have again left the country to face a substantial deficit in foodgrains during the coming year. In other respects the year's results are, however, more encouraging. For some months the steady rise in prices, which has been one of the disconcerting features in the country's economy since the commencement of the Korean war, has been halted and from July 1951 onwards there has been a steady downward movement in the price level. This welcome development can be traced as much to the world-wide falling trend of commodity prices as to the general disinflationary effect

of the very large revenue surplus realised during the year and the withdrawal of a substantial volume of purchasing power from the public by the sale of imported wheat purchased from the American loan. The level of production in the principal industries of the country has also been higher than in the previous year and the larger supplies thus made available for internal consumption have had a steady effect on prices. Agricultural production also showed some improvement although in the case of foodgrains the increased production secured by the 'Grow-more-food' campaign was more than wiped out by the shortages created by adverse seasonal conditions.

The balance of payments position during 1951 was not as favourable as in the preceding year. This was due partly to a fall in the demand for the principal exports of this country after the first phase of stock piling by the United States and other countries was over and partly to our having had to pay more for our imports, owing to a rise in world prices and increase in freight rates. I do not expect that these conditions will materially change in the coming year. We shall still have to import substantial quantities of foodgrains and essential raw materials and capital and consumer goods, while no appreciable expansion of our principal exports is likely to take place, although Government will continue to take all possible steps to maintain and develop the country's export markets. Among such steps I would mention the recent lowering of the export duty on hessian. I see little prospect of any reduction in the volume of our imports and in dealing with the problem of the adverse balance of payments position of the sterling area as a whole I made it abundantly clear that while we would assist in every way in stimulating the country's exports there was no scope for this country cutting down its imports to any significant extent in its present stage of development and with the chronic shortage of food.

The House will remember that in the current year's Budget I had provided for a revenue surplus of Rs. 26.1 crores and an overall Budget deficit, taking the revenue and capital Budgets together, of Rs. 51.88 crores. I now estimate the revenue surplus for the year at Rs. 92.61 crores and the overall Budget deficit at Rs. 3.7 crores. The improvement in the revenue position is mainly due to the extraordinary buoyancy of receipts from Customs which are now estimated to show an improvement of Rs. 76 crores over the Budget. Union Excise duties and income-tax are also expected to show larger yields. Revenue as a whole is

[Shri C. D. Deshmukh]

now placed at Rs. 498 crores against the Budget estimate of Rs. 402 crores. Of this improvement of Rs. 96 crores, Rs. 30 crores will be absorbed by additional expenditure, mainly on the payment of food subsidies and expenditure on displaced persons, leaving Rs. 66 crores more than the original estimate for assisting the Capital Budget.

The Capital Budget was also assisted during the year by the net receipts from the sale proceeds of the wheat purchased from the American loan of 190 million dollars and wheat obtained from certain Commonwealth countries under the Colombo Plan. These together are estimated at Rs. 76 crores and taken with the increased revenue surplus of Rs. 66 crores more than balanced the short-fall of Rs. 50 crores in public borrowing and the contraction of Rs. 30 crores in the floating debt during the year, resulting from the liquidation of their investments by some of the States and other authorities. This also made it possible to make increased allocations for some of the capital schemes such as the River Valley projects during the year.

At the existing level of taxation and expenditure, I estimate the revenue for next year at Rs. 425 crores and the expenditure at Rs. 406½ crores, leaving a revenue surplus of Rs. 18½ crores. The actual surplus may be Rs. 15 crores more than the figure I have just mentioned and which hon. Members will also find mentioned in the Budget papers. The reason for this increase is that of the provision of Rs. 25 crores taken in the estimates for food subsidies, Rs. 15 crores is not likely to be required as a result of the decision announced last week by my hon. colleague the Minister of Food and Agriculture about the abolition of the food subsidies except to a very limited extent.

The drop of Rs. 73 crores in revenue in the coming year as compared with the current year is mainly due to a reduction of Rs. 42 crores under Customs and Rs. 23 crores under income-tax. The fall in Customs revenue is accounted for by the reduction in the export duty on hessian recently announced and also by an estimated fall in the receipts from import duties which have been unusually high this year. The reduction in income-tax reflects the result of the action taken in the current year for the clearance of arrears and also the gradual disappearance of arrear collections of taxes no longer in force. I have also taken into account the disappearance from the Central Budget of the revenue and expenditure of the five Part C

States which will have their own separate budgets from next year.

The total expenditure next year is estimated at Rs. 406½ crores, of which Rs. 197.95 crores will be on Defence Services and the balance under Civil heads. As a result of the abolition of the food subsidies a saving of Rs. 15 crores is likely on these estimates. Defence expenditure will be Rs. 17 crores more than this year, mainly due to the carry over of certain liabilities for stores on order from the current year. The other variations as compared with the original Budget and the revised estimates are explained in the detailed memorandum circulated with the Budget papers and I do not propose to weary the House by repeating them here.

Substantial provision has been included in the Budget for the coming year for capital and development expenditure and for loans to State Governments to assist them in financing their development schemes. The provision for capital and development expenditure broadly follows the pattern laid down by the Planning Commission in the draft Five-Year Plan. The House may remember that the Plan envisaged the Centre producing a revenue surplus of the order of Rs. 26 crores in each of the five years covered by it. Although the estimated surplus this year is about Rs. 67 crores more than the sum envisaged in the Plan, this improvement is only fortuitous and cannot be carried forward to subsequent years. It only helped partially to fill the gap in borrowing during the year and there was no net addition to our resources on this account—indeed we had to run down to some extent the fortuitous accretion to our balances from the previous year.

Next year's Budget taken as a whole provides for an overall deficit of Rs. 56 crores, which the increase in the revenue surplus resulting from the abolition of food subsidies will reduce to Rs. 41 crores. This will be well within the estimated balance of payments deficit for the year and will not therefore add in any way to the inflationary position. At the end of the year I expect that our cash balances would be of the order of Rs. 116 crores. Included in this figure will be an unspent balance of Rs. 40 crores received by way of foreign assistance.

I do not purpose to embark at any length on a review of the fiscal and financial policy of Government on this

occasion of presenting a virtual caretaker Budget. But looking back on the year just drawing to a close I feel that there is ample justification for sober satisfaction. Although the country's food problem still remains acute, there has been a notable improvement in other directions. The rise in prices has been halted and there has been a progressive decrease in the price level in recent months. In spite of the difficulties in obtaining some of the essential raw materials, there has been an all round increase in production. The emergence of a realistic and co-ordinated plan of development, as a result of the labours of the Planning Commission, has, I think, convinced people both in this country and outside that we mean, and have set about in right earnest, to tackle the problem of the proper development of the country's resources. I venture to think that the cumulative effect of the fiscal and financial policy in recent months has definitely been to enhance the credit-worthiness of this country. It will, I hope, pave the way for a larger flow of international assistance and foreign investment to this country, to help us in our planned campaign for developing the latent resources of this country for the raising of the standards of life of our people.

#### FINANCE BILL

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to move for leave to introduce a Bill to continue for the financial year 1952-53 the existing rates of income-tax and super-tax and additional duties of customs and excise, and to provide for the discontinuance of the duty on salt for the said year.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to continue for the financial year 1952-53 the existing rates of income-tax and super-tax and additional duties of customs and excise, and to provide for the discontinuance of the duty on salt for the said year."

The motion was adopted.

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

#### PREVENTIVE DETENTION (AMENDMENT) BILL

**The Minister of Home Affairs and Law (Dr. Katju):** The House has heard many animated speeches. I do not complain of that, because the subject easily lends itself to a great deal

of eloquence. Before, however, I deal with some of the general aspects, I should like to give some information on an aspect which was very much emphasised.

Over and over again hon. friends mentioned the case of detenus who have been elected either as Members of this House or as members of Legislative Assemblies and a good deal was said about the verdict of democracy, the opinion of the masses and the negation of democracy if these elected members were to be kept in detention. I should like to give some figures, so that we may have an exact sense of proportion. I have collected this—it may not be up-to-date. There is no detenu elected to any Legislature in the States of Assam, Bihar, Bombay, Madhya Bharat, Madhya Pradesh, Uttar Pradesh, Mysore, Rajasthan and Saurashtra. So far as we know, warrants are outstanding against three elected Communists in Tripura. They are still underground.

I should like to pause here and ask the House to consider the question of undergroundness. It is becoming increasingly fashionable, and we think that it is, well, not a reprehensible conduct at all. Speaking for myself as a citizen and as a law-abiding individual, it seems to me the first duty of a citizen in independent, free India is to obey the law and, if a warrant is issued against him, to face it and not to go underground.

**Shri R. Velayudhan (Travancore-Cochin):** If it is an unwarranted warrant?

**Mr. Speaker:** Order, order.

**Dr. Katju:** I shall not be interrupted, because I do not want to keep the House for any length of time. We take this undergroundness very lightly. Speaking for myself, again, I attach great significance to it. It is a very reprehensible conduct and I may say here at once that if an individual who has got a warrant against him goes underground, that is *prima facie* evidence that he has done something reprehensible, he proposes to go on doing reprehensible things and to direct underground activities which are not proper and which are not, shall I say, regular. They are reprehensible activities.

So, these three gentlemen are underground, evading warrants of arrest, in Tripura. Then, the only question arises in Travancore-Cochin, Hyderabad, PEPSU, West Bengal, Orissa, Madras and Punjab.



[Dr. Katju]

Now, in Travancore-Cochin—one hon. Member from that State spoke—all the detenues have been released. There are two prisoners in jail, but these are convicts convicted in sessions cases. One hon. Member, when he was dilating on detention, said something also about trials. And he said they were false trials, put up by the police on false evidence. Now, we cannot possibly go into it. That is a matter for the courts to decide. I imagine that the people for whom my hon. friend was speaking, his friends, they all consider the evidence false. They also consider the judgment of magistrates, of sessions judges, the High Court and the Supreme Court all absolutely baseless. They are quite welcome to have that satisfaction! But ordinary citizens would say that a conviction by a court of law is substantial ground for keeping a man in prison. So, in Travancore-Cochin there are two elected gentlemen who are in prison because they are convicts. And I dare say the House will agree that no distinction is to be made between elected people and non-elected citizens in this regard.

**Prof S. L. Saksena** (Uttar Pradesh): How were they elected?

**Dr. Katju:** I am not going to answer your question in this fashion.

In Hyderabad three prisoners are concerned, but so far as we know they are all on parole and inasmuch as the responsibility for maintaining law and order is primarily that of the States it is up to the State to consider whether in the circumstances of the case they will extend the parole or order release or ask the gentlemen to go back. In PEPSU...

**Shri Sarangdhar Das** (Orissa): On a point of information.....

**Mr. Speaker:** Order, order.

**Shri Sarangdhar Das:** Just for information.....

**Mr. Speaker:** Not at this stage.

**Dr. Katju:** In PEPSU there is only one prisoner concerned. He was on parole till recently, and I have no information whether he is still on parole or whether he has gone back to jail.

In West Bengal—my hon. friend Dr. Mookerjee knows it very well—the position has been very fully examined by the West Bengal Government. Each case has been gone into with the utmost care, and the Government has come to the conclusion that they cannot possibly, having regard to their responsibility for maintaining law and order in that very difficult State—I know what the difficulty there is—release more than 48 people, and they have already released two detenues, and some have gone back to jail. My information is, if I am not mistaken, the number concerned is only four, three Members of the State Legislature and one Member of Parliament.

In the Punjab two are in jail, and according to our information the Punjab Government does not consider it reasonable to release them.

In Orissa two persons are concerned, but they are on bail. They are not in prison today. I think they are undergoing a trial.

In Madras out of eleven prisoners in jail who have been elected nine were released on 14th February, 1952. In addition, seven are reported to be under-trials. The House knows what an under-trial means. An under-trial is not a detenu. An under-trial is an individual who is undergoing a charge, a prosecution. There is no exact information as to whether the other two have been released or not. They were on parole till today. I do not know what is going to happen.

Consider these eloquence for two hours and a half and consider the numbers, four or five altogether.

Then comes the question of detenues. Now, here again, I am a lawyer, bred in the law and I revere law. I have got a stronger reverence for the law than many of the Members opposite or sitting on this side. But the security of the State, the security of India is paramount. I may say also that I have got numerous friends, both professional and otherwise, in the Communist party. I have studied a lot of Communist literature with their assistance...

**Pandit Balkrishna Sharma** (Uttar Pradesh): You defended them also!

**Dr. Katju:** I defended them, and I learnt a great deal from them. One of them, a most competent individual, who was nominated by the accused as the one person who could instruct me in Communism so that I might be

able to defend them, he is now underground—I found that about two days back—he has been underground for many years. We became very great friends. He is a greatly learned man, highly educated, and I once said to him, "Having read all these books and declarations and speeches, you are all fanatics. What is the difference between you and a religious fanatic, the man who kills and shoots in the name of God Almighty?" He paused—he is a very skilful and learned and thoughtful man and he paused a little—and then he said, "Dr. Katju, you are quite right. We are fanatics. The only difference between us and religious fanatics is that they are fanatics by a process of faith, and we are fanatics by a process of reason". Now I ask hon. Members to consider this: They are fanatics by process of reason. They come to their conclusions by reason and reason includes tactics and strategy. That is the philosophy of it. They may say one thing; I wish I could believe them, but they might mean another. I do not want to tire the House. I have got all the literature here. The whole of this thing was gone into. I find last year speeches were made, and there are quotations from declarations of policy. Everywhere every Communist has said: "Whatever we may say, we cannot possibly give up our faith in violence. Wherever it becomes necessary, we will kill, shoot and murder, for gaining independence, not for our personal benefit". I was once arguing a Communist case before a judge. I said "My Lord, the Communists do not believe in individual murders". He said, "you are quite right. You have made a very great point; they all believe in organized assassination". That was a judicial observation made in a court of law and well-founded. Therefore, we have to deal with that sort of philosophy and the people who believe in it. They are working for it. I admire them sometimes. You see they are not merely hypocrites, they are genuine believers.

Now let us look at the numbers. We are dealing with a country of 37 crores of people, of all races and communities and we are passing through dangerous times. I do not want to go and exonerate upon it. What are the numbers? Up to December many have been released during the last two months and the figure is 1170 professional Communists. Out of this Hyderabad contributes 824—a particularly exceptional State, with exceptional considerations and exceptional circumstances.

I will fire the House again by repeating what has been referred to. It is a dreadful story. I heard some one say:

"Oh, the Police committed atrocities". I do not know and I do not want to go into it. But it is a dreadful story of at least 3,000 murders and the Communists admit that they have got a large collection of arms which they are now prepared to surrender. I heard Dr. Mookerjee, my hon. friend, say: "I am rather surprised. Start with a clean slate." I can understand his starting with a clean slate when you have got a battle or a war between two independent nations. You can start with a clean slate between Germany and England or whatever it is, but starting with a clean slate against offenders, murderers, dacoits, people who commit arson, how can you maintain the order and the decency of the law? Here in this House everybody says no detention without trial. Is it to be said murders without trial? Or murderers should be left scot free? (An Hon. Member: No, no.) That is what is comes to, by what was called general amnesty and beginning with a clean slate and opening a new page and that sort of thing. Let us look at the numbers. Now 1170 is the total number of Communists. Out of that if you strike out the contribution made by this great State of Hyderabad, the number is 546, out of which number the State of my hon. friend, Dr. Mookerjee contributes a fairly large number.

**Dr. S. P. Mookerjee (West Bengal):** I thought that you contributed when you were the Governor.

**Dr. Katju:** I was a mere constitutional Governor, but I do know what had happened there. It became unsafe in the streets of Calcutta to ride on tram cars two years ago. It became unsafe for Policemen to conduct prisoners and it was with the greatest difficulty that the State Government was able to bring the law and order position under control, and to restore the normal life in that city. I ask my hon. friend over there who preached the glorious gospel of general amnesty just to take back his memory to that day. It is very difficult and the difficulty about releasing detenus is this. Somebody suggested: "Why not release them and then you can get hold of them again?" But they go underground. The moment you release them, they go underground, they disappear. If they would notify their addresses to the Police, I tell you, I might recommend—I cannot give an order to Part A States and even to Part B States—I may say, very well try but they would never give their addresses. It is with great difficulty that you catch hold of them. They are very clever people, my friends. I know them all. They are very clever

[Dr. Katju]

and are born to the method. It is not a method of today but a method which has been perfected by 24 years of working upon it.

The net result is that we are to deal here with about five or six elected members and leaving Hyderabad aside, we have about four or five detenus. I make a fair offer. I think the State Governments have made it. Let these gentlemen in detention write to the State Governments as to what their present policy is and what they propose to do. They will not. There is no Communist in India who is prepared to disown his faith in violence. I should like to be corrected by my hon. friend who is speaking for them. (Interruption).

The elected Communists will come here. Just consider this. I heard a great deal about this Government being anti-democratic, this and that. How can you conceive of any Government anywhere in the globe which will permit Communist to stand for Parliament (*Hear, hear*) and seek elections? (An Hon. Member: Oh Yes.) Mr. Kamath knows all about it and the elections were fair and unfettered. Even our opponents say this. I respectfully suggest it is very tiring to go on in this fashion and I cannot shout. We are just really rehashing the whole of the debate. I think it took many, many days. I used to read it in Calcutta. What did I ask? I have made a most reasonable offer. I thought that my Bill would go like a shot in five minutes. (An Hon. Member: Of course, no.) There it is. It has taken four hours. The situation is this. There is no Communist here except one gentleman; I do not know; he disowned it yesterday.

**Shri R. Velayudhan:** I have not disowned it.

**Dr. Katju:** I want the existing state of affairs to continue. In the new House let a galaxy of Communist talents, all devoted to pacifism, come and on the floor of the House face to face say what they stand for and what their companions stand for?

**Shri R. Velayudhan:** Are you a pacifist?

**Dr. Katju:** Then, we shall consider. Please remember this. There is in the short Bill of two paragraphs a clear provision which authorises any State Government to revoke any order at any time. Please take it from me—I am speaking from knowledge—that no State Government is happy to keep them under detention. I was surprised to hear my hon. friend from Madras speak of torture and Belsen camps

and all that. I wonder whether he has gone there.

**Shri R. Velayudhan:** Oh, yes.

**Dr. Katju:** I have been to several of these detenus in jail. I have been a detenu myself. So have been many of us. I may tell you I was surprised, gentlemen getting Rs. three a day, each one of them had a great library, had a badminton court, had a tennis court, and a number of servants to look after them. The moment they were detained, they were given about Rs. 210 for an outfit allowance like some public servants and they live in great comfort. It is a travesty of facts to say that these detenus undergo any physical discomfort. They have got a first class medical man to look after them. Many people do not have medical men at their beck and call. I went and saw them many times, I said to them, "You are in physical detention; that is a different matter altogether; otherwise, please tell me, are you undergoing any hardship, any suffering?" There were two or three students. They said, "We want to prepare for some examination; we want some books". I said, "I shall send you the books." I sent them the books to enable them to prepare for the B.A. or M.A. examination. Not a single soul complained in any jail that I visited that there was any physical terrorisation or torture or anything of that kind anywhere: I say from Muzaffar Ahmad downwards.

I beg that we should have a sense of proportion in this House. Sense of proportion on this side, it exists. I pray for sense of proportion to dawn on that side.

**Shri Naziruddin Ahmad** (West Bengal): Not the whole of this side.

**Shri Kamath** (Madhya Pradesh): I pray for the dawn of sense on that side.

**Dr. Katju:** Therefore, it is not a debatable matter. But, it is our business to talk. The Opposition exists to talk and I look forward to hearing a lot of Opposition speeches from May next. But in our heart of hearts we know there is nothing in it.

Before I sit down, I should like to refer to what my hon. friend Mr. Kamath mentioned about Malabar. I do not know what was the relevancy of it: or "Muslim League Zindabad" and shouting and all that. The Government of India is absolutely impartial in this matter. There is no question of any favour shown to anybody or no question of any disfavour shown to anybody. We are most anxious that law should be preserved.

We are most anxious that no one should suffer for mere holding of opinions. It only comes to question when he proposes to act upon those opinions. If he comes within the four corners of the Preventive Detention Act, then, whether he is a Hindu or a Muslim or a Communist or a Socialist, whoever he may be, or a member of any communal organisation, the law will take its course against him. There is no question of differentiation. I do not know why Mr. Kamath mentioned this fact at all. We are alive to it; we will take action. The question was raised and the matter was discussed. Before I sit down, I must say I am in very good company in what I have said. The leader of the Socialist party does not entertain a lot of affection for this Government. Remember what he said. It was a beautiful phrase. He said about the Communists, "If you talk with them, you embrace death." He talked of a coalition as embrace of death.

I say and I repeat once again, there have been many recent professions during two or three months. We will watch, we will consider, we will see whether they are genuine or not. It is not a pleasure to keep them in detention. The moment the situation warrants, releases will be ordered. The State Governments at least in Bengal will be saving at least Rs. 500 or 600 a day economically by not keeping them in prison. Therefore, with confidence I ask the House to pass this particular clause 2 on which the debate has arisen.

**Mr. Speaker:** The question is:

"That clause 2 stand part of the Bill."

I think the 'Ayes' have it.

**Shri Kamath:** The 'Noes' have it.

**Mr. Speaker:** He wants a Division?

**Shri Kamath:** Yes.

**Mr. Speaker:** I am giving the Division. The 'Noes' will stand in their places.

**Shri Kamath:** An opportunity should be given to hon. Members outside the House to come in.

**Mr. Speaker:** I shall have the bell rung.

The hon. Member will be pleased to see, whether he likes or does not like, that any killing of time is not going to be helpful.

**Shri Kamath:** I am sorry you are taking it in that light.

**Mr. Speaker:** When I see there are hardly half a dozen people saying 'No' and a number of voices saying 'Aye', and the hon. Member challenges a division, it can be nothing else but only tactics to play out time.

**Shri Kamath:** There are many outside.

**Prof. K. T. Shah (Bihar):** May I submit that in a Division the names are recorded.

**Mr. Speaker:** I shall get the names recorded.

**Prof. K. T. Shah:** I have no objection.

**Mr. Speaker:** Those who say 'No' will stand in their places. I shall record their names. They are: Dr. S. P. Mookerjee, Prof. S. L. Saksena, Babu Ramnarayan Singh, Shri D. D. Pant., Shri H. V. Kamath, Prof. K. T. Shah, Shri Sarangdhar Das, Shri Damodara Menon, Shri R. Velayudhan, Shrimati Velayudhan, Sardar Hukam Singh, Shri P. Y. Deshpande, Shri Ghatpadyay and Acharya Kripalani. Total 14.

Those in favour will stand in their places.

**Shri Kamath:** The Home Minister neutral?

**Mr. Speaker:** He chooses to remain neutral. Absolutely large number. I do not think I need record all the names.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill

**Dr. Katju:** I beg to move:

"That the Bill be passed."

**Babu Ramnarayan Singh (Bihar):** We have got to say something.

**Mr. Speaker:** I shall give hon. Members a chance. But I may tell them that the debate is limited to such points as may have been introduced as a result of any amendments and...

**Prof. S. L. Saksena:** Sir.....

**Mr. Speaker:** That position does not remain now. Hon. Members should confine their remarks to show why they oppose the Bill, and after having had this long discussion, I may definitely say that I am not prepared to

[ Mr. Speaker ]

allow any long time for discussion or as long as a Member likes. He can make a few points to show why he opposes the Bill, if at all any such showing is necessary.

**बाबू रामनारायण सिंह :** अभी कल मैं ने बहुत हर्ष प्रकट किया था कि हमें यह अवसर मिला कि हम ने सरकार को बर्षाई दी । लेकिन आज जैसा विषय हमारे सामने है अर्थात् प्रिवेन्टिव डिटेन्शन बिल (Preventive Detention Bill), उस पर मैं सरकार को बर्षाई नहीं दे सकता । इतना ही नहीं, मैं इस विधेयक का घोर विरोधी हूँ । सभापति महोदय, कुछ दिन पहले ही यहां पर विदेशी राज्य था, और इसी तरह के क़ानून यहां पर पास होते थे और ऐसे क़ानूनों की वजह से हम लोग कष्ट उठाते थे । यह आप को भी याद होगा और गृह मंत्री को भी याद होगा और बहुत भाइयों को याद होगा । उस वक्त हम लोग कहा करते थे कि यह क़ानूनो मानुषी क़ानून नहीं है, सभ्यता के क़ानून नहीं है, लेकिन दुःख के साथ कहना पड़ता है कि आज जब हमारी सरकार है उस वक्त ऐसे ऐसे क़ानून पास होते हैं जिस में बिला जुर्म के, बिला सज़ा के लोग जेल में रख दिये जाते हैं । यह कहा जाता है कि वह लोग बहुत भयानक आदमी हैं, जिन से सरकार खतरे में है । सभापति महोदय, सरकार खतरे में है यह बात सुन कर मुझे कुछ आश्चर्य होता है । सरकार क्या खतरे में हो सकती है? जो सरकार इतनी कमज़ोर हो, कि दो, चार, दस, सौ, दो सौ आदमियों के कारण खतरे में पड़ जाती है तो ऐसी सरकार रहे या न रहे । इस के साथ ही साथ मैं आप से कहता हूँ कि यह मालूम होना चाहिये कि देश में सरकार रहें, सरकार निर्रापद रहे, यह मैं मानने को तैयार हूँ, लेकिन साथ ही हमें यह भी मालूम होना चाहिये कि सरकार भी जनता के लिये है.

जनता की रक्षा के लिये है, जनता की सहायता के लिए है । जिस सरकार द्वारा जनता की रक्षा नहीं होती है, जनता बिना क़सूर जेल जाय मैं नहीं कह सकता कि वह निर्दोष है । क्यों कि क़सूर तो कहा जाता है, कि सज़ा किया है, गृह मंत्री कल कह रहे थे कि उन लोगों ने ओवर्ट ऐक्ट (Overt Act) किया है और मैं नें उस वक्त कहा था कि अगर उन्होंने ओवर्ट ऐक्ट किया है, खुल्लम खुल्ला क़सूर किया है तो उन को कचहरियों में पेश क्यों नहीं करते, उन पर मुक़दमा क्यों नहीं चलाते । उन्होंने जवाब दिया कि हां, कहना तो आसान है, लेकिन करना काठन है । अपने गृह मंत्री से मैं क्या कहूँ, वह तो बहुत बड़े वकील हैं, उन्होंने ऐसी सुन्दर बहस खड़ी कर दी जिस का कोई हिसाब ही नहीं है, वकील लोग तिल का ताड़ें तो कर ही देते हैं, उन्होंने पहले ही कह दिया था कि यह बिल बिल्कुल निर्दोष है । ऐसा कह कर के जो लोग उस के खिलाफ़ रह सकते थे उन को कमज़ोर कर दिया । लेकिन यह बराबर चलने वाली बात नहीं थी । अभी मैं कह रहा था कि जिस तरह से आप यह नियम बनाने जा रहे हैं, और यह कहा जाता है कि शान्ति खतरे में है, तो अगर सरकार खतरे में है तो कोई यह नहीं चाहता कि सरकार खतरे में पड़े, हालांकि मुझे इस की कोई फ़िक्र नहीं है, सरकार तो रोज़ आती है और जाती है । सभापति महोदय, इस में सब से बड़ी बात देखने की यह है कि सरकार कैसी है और सरकार कैसे कार्य कर रही है । अभी कुछ लोग कह रहे थे कि गांधी जी यही चाहते थे, गांधियन प्रिंसिपल बही है जो कम्युनिज्म (Communism) है । यानी जो समाज में बहुत तरह की विषमतायें हैं उसी के प्रतिकूल महात्मा जी थे, और इसी तरह कम्युनिस्ट हैं, साम्यवादी हैं वह भी जो असमानता है और अराजकता

है उस के प्रतिकूल हैं। कई दिन हुए कानपुर में प्राइम मिनिस्टर ने भाषण दिया था, वहां वह भी कहते थे कि जो साम्यवादी लोगों का तौर तरीका हिंसा से भरा है और उस से अराजकता फैलती है। वह हिंसा का प्रचार करते हैं। मगर मैं तो कहूंगा कि हिंसा के खिलाफ मैं हूँ, मैं ने गांधी जी का चेला हो कर जीवन बिताया है। मैं हिंसा के खिलाफ हूँ, लेकिन क्या मैं पूछ सकता हूँ कि सरकार के पास हिंसा करने का कितना प्रबन्ध है ? और यह जो नियम बनाया जा रहा है क्या वह हिंसा का क़ानून नहीं है। किसी को पकड़ कर जेल में रख दिया, न उस पर मुकदमा चलाया और न उस को बहस करने का मौका दिया। आखिर यह कैसी बात है ? मैं तो समझता हूँ कि आज सारे देश में जो समझने की बात है वह यह है कि एक आदमी की आज़ादी की क़ीमत सरकार की रक्षा की क़ीमत से कम नहीं है। सरकार दुनिया में होती है तो समाज की रक्षा के लिये होती है, लोगों की आज़ादी की रक्षा के लिये होती है। जब इस तरह से अन्धेरे होता है तो सरकार का समर्थन कैसे किया जा सकता है ? और मैं एक और बात कहता हूँ जो कि सब से बड़ी बात है। हालांकि कुछ कठोर बात है, मैं जानता हूँ और शायद गृह मंत्री जी भी, पता नहीं क्यों लोग अनुभव की बात भूल जाते हैं, क्या दुनिया नहीं जानती है, क्या मैं नहीं जानता या गृह मंत्री नहीं जानते कि दमन से कहीं कोई काम नहीं हुआ करता। अंगरेजों ने बहुत दमन चक्र चलाया, ऐसे ऐसे बहुत से नियम बनाये, लेकिन आज अंगरेज कहां हैं, और हम लोग कहां हैं....

**Mr. Speaker:** I am afraid the hon. Member is trying to repeat the same old arguments in one form or another. He may state his arguments for opposing the Bill and I think he has already done so. He is now only repeating the same points and he has already taken about fifteen minutes.

**बाबू रामनारायण सिंह :** सभापति महोदय, यह दूसरी बात है कि आप कह दीजिये कि न बोलो, लेकिन हमें तो विरोध करना है, और जब विरोध करना है तो इस के सम्बन्ध में जो मैं बोल रहा हूँ वह ठीक है।

**अध्यक्ष महोदय :** बोलने की भी एक मर्यादा है, एक तरीका है। बार बार एक ही बात को दोहराना पार्लियामेंट का क़ायदा नहीं है। अगर इस तरह सब बोलने को खड़े हो जायेंगे तो दो महीने तक ऐसे ही बहस चलती रहेगी। ऐसा नहीं हो सकता है।

He has practically stated all the points that he had to state and now he is going into the history and philosophy of Gandhism, of *chelaship* of congressmen, of *Ahimsa* and all that. I can understand such remarks at the consideration stage of the motion. But when practically all Members, who wanted to speak, had spoken on clause 2, which is the main clause, no arguments are left now. If the hon. Member wants to protest against the Bill he can do so, but the protest will shine better if it is a short speech rather than a long speech. Of course, it is not for me to advise the hon. Member and I do not propose to do so; but I shall not allow any such repetitions. Repetition has to be avoided.

**बाबू राम नारायण सिंह :** सभापति महोदय, ऐसे महत्वपूर्ण विषय पर अभी पूरे एक दिन भी बहस नहीं हुई है और आप कहते हैं कि बोलो मत।

6 P.M.

**Mr. Speaker:** The hon. Member will measure it in terms of argument and not in terms of time. If his argument was all right he could convince the House in five, ten or fifteen minutes. If his argument is wrong, as he has seen the House has rejected it substantially, he cannot effectively convince the House even if he goes on for two days. Has he anything else to say by way of points? Otherwise I do not propose to allow him further.

**बाबू रामनारायण सिंह:** खैर, अब यह तो आप की मर्जी है। आप का अधिकार है और आप चाहें तो हमारा बोलना बन्द कर सकते हैं। लेकिन मैं समझता हूँ कि आप को हमारी बात सुननी चाहिये।

**अध्यक्ष महोदय:** मैं रिपीटीशन नहीं सुनना चाहता और आप रिपीटीशन ही करते हैं।

**बाबू रामनारायण सिंह:** मैं रिपीटीशन नहीं करूँगा।

**अध्यक्ष महोदय:** तो सुमाइये तो दो एक बात।

**बाबू रामनारायण सिंह:** सभापति महोदय, मैं दुहराऊँगा नहीं। आप को अज्ञित्यार है कि आप चाहें तो रोक सकते हैं। लेकिन आप इस अधिकार का इस तरह व्यवहार कीजिये कि हम को कोई शिकायत न हो। मैं समय नष्ट नहीं करना चाहता।

तो सभापति महोदय, मैं यह कह रहा था कि दमन से कोई काम नहीं चलेगा। दमन के बदले सरकार की तरफ से इस तरह का सुन्दर काम हो कि जिस से जनता भी प्रसन्न हो जाय और जनता कम्युनिस्टों के सिद्धान्त को न माने। इस तरह काम चल सकता है, लेकिन दमन से काम नहीं चलेगा। मैं कह रहा हूँ, सभापति महोदय कि चुनाव हो गया है। मैं सारे देश से, समाज से और आप से कहता हूँ कि इस वक्त जरूरत यह है कि हम एक साथ काम करें। हमारी आजादी अभी नहीं है। इस समय दलबन्दी से काम नहीं चलेगा। मैं तो कहता हूँ कि सभी लोग मिल जुल कर कोई उपाय निकालें जिस से आपस में सहयोग हो और देश में शान्ति हो और देश की उन्नति हो। जब तक दलबन्दी रहेगी इस

तरह के झगड़े रहेंगे। जब तक दलबन्दी रहेगी लोग अपने दल की बात कहेंगे और देश की बात के बारे में सहयोग नहीं करेंगे। इसलिये मैं सब से निवेदन करूँगा कि अब जरूरत यह है कि जितनी दलबन्दी देश में है उस को खत्म कर दिया जाय। सिर्फ कम्युनिस्ट पार्टी ही को नाजायज करार न दिया जाय बल्कि देश में जितनी भी पार्टियाँ हैं सब को खत्म कर दिया जाय और कोई अलग अलग पार्टियाँ न रहें। इस के बारे में यह बातें मैं दिल से कह रहा हूँ और आतुरता के साथ कह रहा हूँ कि देश में जितने दल हैं सब खत्म हों और सब तरह के लोग जो चुनाव में आये हैं और जो चुनाव के बाहर हैं वह भी सब मिल जुल कर कोई उपाय करें, और जब हम लोग ईमानदारी के साथ चेष्टा करेंगे तो उपाय भी निकल ही आवेगा, जिस में सारे देश में और सब में सहयोग हो और उस के जरिये देश का उद्धार हो। इस दमन चक्र के बारे में तो मैं यह कहूँगा कि इस को अब आप वापस ले लीजिये। अभी माननीय मंत्री ने कहा था कि यह तो छः महीने के लिए ही आता है। मैं कहता हूँ कि अगर यह कानून छः महीने के लिये न लगे तो आकाश तो नहीं टूट जायगा, पृथ्वी तो पाताल में नहीं चली चायगी, और मैं तो कहता हूँ कि अगर इस बीच में गड़बड़ी हो तो हम चुप हो जायेंगे और आप कानून चला सकते हैं।

तो मैं सहयोग के लिये कह रहा था और सहयोग के लिये और लोग भी कहते हैं। और दलों की तरफ से सहयोग के लिये कहा गया है। कांग्रेस के राष्ट्रपति जवाहर लाल जी ने भी कहा है कि सहयोग होना चाहिये। लेकिन सहयोग करेगा कौन? जिस के हाथ में अधिकार है उस की तरफ से पहले सहयोग हो। अगर वह तैयार हो जायगा तो सहयोग की कमी नहीं रहेगी।

में और अधिक समय नहीं लेना चाहता ।  
 मैं फिर कहना चाहता हूँ कि सरकार में  
 जो लोग हैं अगर वह दमन करना चाहते हैं  
 तो उस से काम चलेगा नहीं । हम लोग तो  
 चाहते हैं कि अब शासन की बात खत्म होनी  
 चाहिये । शासन तो अब चलेगा नहीं । अब  
 तो हमारे देश में सेवा की जरूरत है और  
 सेवकों की जरूरत है । शासक और शासन  
 हम नहीं चाहते हैं और न देश चाहता है ।  
 अब आप सब को मिल जुल कर काम करना  
 चाहिये जिस में समाज का उद्धार हो और  
 देश का कल्याण हो ।

(English translation of the above  
 speech)

**Babu Ramnarayan Singh:** Yesterday I was glad to have an opportunity to congratulate the Government. But today I cannot congratulate the Government on the subject before us, i.e., the Preventive Detention Bill. Rather I strongly oppose this Bill. Sir, I hope you and the hon. Minister of Home Affairs and the hon. Members might remember that when during the British regime, such bills were passed, we used to suffer and say that these laws were inhuman and uncivilised, but I am sorry to say that today when the Government is our own, such laws are made according to which people are thrown into jails without trial. It is stated that only those people are put in jail who are dangerous for the Government. Sir, I am surprised to learn that the Government are in danger. I wonder what kind of danger are they faced with. If the Government are endangered because of a handful of people, it makes no difference whether such a Government remains or goes. I concede that the existence of a secure Government in the country is essential, but it should be borne in mind that it exists for the people, for protecting and helping them. I cannot call a Government, which cannot protect the people and which thrusts innocent persons into jail, to be blameless. The hon. Home Minister said yesterday that these people were guilty of committing overt acts. If they have done so why are they not tried in a court of law. He had said that it was easier said than done. Our hon. Home Minister is a very eminent lawyer and has started a very interesting controversy, just as all lawyers do. In the very beginning he claimed that this Bill was a harmless one. By  
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saying so he weakened the opposition of the opponents of the Bill. But this contention does not hold good consistently. Nobody wants that there should be breach of peace or that the Government should be endangered, but I don't see any sign of its being so and I don't worry about it, because Governments come and Governments go. Sir, what is to be seen is what kind of a Government it is and how it is functioning. Just now some hon. Members were saying that Gandhian principles and Communism are similar; i.e., just as Mahatmaji was against social inequity, similarly Communists are also against it. The Communists are also against inequality and anarchy. Some days back the hon. Prime Minister speaking at Kanpur had said that the Communists believed in violence and in spreading anarchy. I claim to be a follower of Gandhiji and an opponent of violence. But may I ask whether Government are not indulging in violence and is this law not a law of violence? This provides that any body can be arrested and put in jail without any trial or arguments. I would stress the point that the price of the freedom of an individual is in no way less than the price of the defence of the country. The Government exist for the protection of society and for the protection of the freedom of the people. How can we support the Government when such glaring injustice takes place? I would like to ask the hon. Home Minister, and this is a very pertinent question, whether suppression has yielded any results anywhere. The British practiced oppression for a long time and made several such laws, but where are they today and where are we.....

**Mr. Speaker:** I am afraid the hon. Member is trying to repeat the same old arguments in one form or another. He may state his arguments for opposing the Bill and I think he has already done so. He is now only repeating the same points and he has already taken about fifteen minutes.

**Babu Ramnarayan Singh:** Sir, you can very well ask me to stop my speech, but I have to oppose the Bill and whatever I may speak in opposition to it is justified.

**Mr. Speaker:** But there is a way of speaking. It is not Parliamentary to go on repeating the same point. If everybody begins to speak in this manner, the discussion would go on for two months. But this cannot be allowed. He has practically stated all the points that he had to state and now he is going into the history and philosophy of Gandhism, of *chelashtp* of congressmen, of *Ahimsa* and all that. I



[ Mr. Speaker ]

can understand such remarks at the consideration stage of the motion. But when practically all Members, who wanted to speak, had spoken on clause 2, which is the main clause, no arguments are left now. If the hon. Member wants to protest against the Bill he can do so, but the protest will shine better if it is a short speech rather than a long speech. Of course, it is not for me to advise the hon. Member and I do not propose to do so; but I shall not allow any such repetitions. Repetition has to be avoided.

**Babu Ramnarayan Singh:** Sir, hardly a day has been devoted to this important subject and you ask us to stop discussion.

**Mr. Speaker:** The hon. Member will measure it in terms of argument and not in terms of time. If his argument was all right he could convince the House in five, ten or fifteen minutes. If his argument is wrong, as he has seen the House has rejected it substantially, he cannot effectively convince the House and even if he goes on for two days. Has he anything else to say by way of points? Otherwise I do not propose to allow him further.

**Babu Ramnarayan Singh:** In any case, it is up to you. You are authorised to stop our speeches. But I do believe that you should at least listen to what we say.

**Mr. Speaker:** You always indulge in repetition, and I do not want to listen to repetition.

**Babu Ramnarayan Singh:** I shall not indulge in repetition.

**Mr. Speaker:** Then go on and make out one or two points.

**Babu Ramnarayan Singh:** Sir, I shall not make repetitions. You have a right to check, but you should exercise this right in such a way as gives us no cause for grievance. I do not want to waste time.

Sir, as I was saying, suppression will not do. Instead of suppression Government should act in such a manner as may satisfy the public and prevent them from believing in Communist ideology. Sir, elections are over and I would appeal to the country, to the people and to you to work together. Our freedom is still new, and working in a spirit of partisanship will not take us far. I want that an agreed formula should be evolved for working in co-operation and for establishing peace in the country and for uplifting it. As

long as party factions continue, there will be disputes and the interests of the country will suffer as against the interests of the party. Therefore I would appeal to you to put an end to all factions in the country. Not only should the Communist Party be declared unlawful, but all the parties in the country should be wound up. There should be no separate parties in the country. I say this in all sincerity and seriousness. All the people, whether inside the Legislatures or outside it, working honestly and unitedly, should make efforts to bring about mutual co-operation and ameliorate the conditions of the people. I would ask you to withdraw this instrument of suppression. The hon. Minister had stated that this Bill would be extended only for six months. But heavens would not fall if it is not extended, and we concede you the right to enforce it, if there are disturbances in the meanwhile.

I was pleading for co-operation. Other parties also want co-operation. Shri Jawaharlal, the Congress President, also desires co-operation. But who is to co-operate? The people in power should be the first to co-operate and if they are willing others will not lag behind.

I do not want to take any more time. But I would like to submit that if the people in the Government want to follow a policy of suppression, it would not do. We, as a matter of fact, now want that all kinds of 'rule' should go. The country now want voluntary service and those people who can render this service. The country does not want rulers now. We all should work together for the good of the country.

**Mr. Speaker:** I do not propose to allow any more discussion. I take it that the matter has been sufficiently discussed. There is no use repeating the same arguments over and over again and thus detaining a very large number of Members against their will. I am conscious that I have to protect the rights of the minority. I honestly believe that they have had the fullest opportunity of expressing their views on the Bill and they have taken a very large amount of time practically keeping the other Members in detention, while protesting against the Preventive Detention Act. That in itself is a contradiction.

**Shri R. Velayudham:** Only one point, Sir.

**Mr. Speaker:** No more points. Order, order. I am calling on the hon. Home Minister to reply.

**Dr. Katju:** I have nothing to add.

**Mr. Speaker:** The question is:

"That the Bill be passed."

The Noes will rise in their seats, so that their names will be recorded. They are: Dr. S. P. Mookerjee, Prof. S. L. Saksena, Shri R. Velayudhan, Shri Kamath, Prof. K. T. Shah, Shri Sarangdhar Das, Shrimati Velayudhan, Sardar Hukam Singh, Shri Damodara Menon, Babu Ramnarayan Singh, Shri P. Y. Deshpande, Shri Chattopadhyay and Acharya Kripalani. The Noes are thirteen.

Now those who are in favour of the motion will rise in their seats. The Ayes are a very large number.

The motion was adopted.

**Shri Kamath:** I see there are some neutrals whose names may be recorded.

**Mr. Speaker:** Are the neutrals very particular to have their names recorded? No Member has stood up.

#### BUSINESS OF THE HOUSE

**Mr. Speaker:** Before we disperse I have to make an announcement. I am fixing a time-table for the General Discussion of the Budget and the cut motions as follows:

The General Discussion will take place on the whole of 3rd, Monday, and the morning and afternoon sessions will be given completely to it. There will be no further extension of time here.

**An Hon. Member:** One day?

**Mr. Speaker:** Two 'days'—two sittings. As we are sitting twice a day, just to finish the business in a very democratic way, it comes practically to two days.

After the General Discussion the Vote on Account will be taken up on the whole on 4th, morning and afternoon sessions, and at five o'clock all outstanding questions will be put. That takes us up to the 4th. As previously announced, on the 5th there will be the Finance Bill and the Appropriation Bill. The appropriation Bill is more or less a formal matter.

**Shri Kamath (Madhya Pradesh):** May I make a request Sir? In order to afford more time for the General Discussion of the Budget on Monday, if the House is agreeable and if you are agreeable also, could we have Monday's list of questions tomorrow? Tomorrow there is no question hour.

**Mr. Speaker:** There is also an amount of legislative business to be put through. There is an alternative proposal also that we may drop the question hour on Monday. I am not going to do it unless the House is unanimous on that point, nor am I going to fix a question hour for tomorrow unless, also, the House is unanimous.

**The Minister of State for Finance (Shri Tyagi):** Questions may not be taken a day earlier, Sir.

**Mr. Speaker:** I am not fixing the question hour for tomorrow unless the parties agree, just as I do not want to drop the question hour on Monday unless the parties agree.

*The House then adjourned till 9-30 A.M. on Saturday, the 1st March, 1952.*