

mption before the House that no officers will be appointed, but by saying that, he cannot rule out the possibility that there will be extra expenditure. The fact that there will be a new office, there will be more collections, will definitely involve at least some expenditure, some expenditure at least on account of stationery. Therefore, some expenditure is involved. Whatever the Government might say—the Government would like to justify their stand whether it is right or wrong, as they have been doing—we want to bring to your notice that this Bill, as it seeks to collect some more estate duty, some more arrears, will definitely involve more expenditure. This is a Bill, though it may be in the form of an amendment. This is an independent Bill. Rule 69(1) is very clear. Since this Bill involves expenditure, a Financial Memorandum is necessary and, therefore, you may rule out the explanation given and ask them to come with a Financial Memorandum.

SHRI SHRINIBAS MISRA (Cuttack) : The argument advanced by the hon. Minister is fallacious—now we have got the Act extended to the States and the staff is there. What will happen in due course? After the proclamation of Emergency is revoked, expenses will come down. Generally, if he wants to extend it to some States, again the same expenses will be involved. Can he say that it does not involve expenditure? It does involve expenditure. The hon. Minister will kindly refer to the sections of the Estate Duty Act, which are being extended—appointment of Valuation Controller, Section 59 section 60, section 62 Appellate Controller, Section 63 Appellate Tribunal, Section 64 Reference to High Court Section 65 Appeal to Supreme Court, Section 67 Grant of Certificate to the person to pay Estate Duty. Section 72, Section 73 Demand Notices, and so on. Will the hon. Minister say that they do not involve expenditure? They involve expenditure, and as soon as it is admitted that this involves expenditure, rule 69 comes into play. He cannot say that because he is spending it already, permission of the House is not necessary. (*Interruptions*).

MR. SPEAKER : Yesterday this was raised. I wanted to get the clarification and I did not want to say anything this way or that way. The point is that there are already officers existing. Even the officers mentioned by Shri Srinibas Misra are already existing in the Department. They are not going to appoint any new officer; the existing officers will do this work. There will not be any retrenchment because of this. Also, when the Government says that there is no expenditure involved, let us watch and see whether they really say that no expenditure is involved or they try to spend money. The point is this. (*Interruptions*) Here is a categorical statement, again repeated after yesterday's warning also, here is the Government which says that there is absolutely no expenditure involved, the staff is there already and that they are going to manage with the existing staff. Let us be watchful and Let us see whether, having said that, they are going to spend money. When they say that there is no further expenditure involved, I do not think that we should compel them to come with a Financial Memorandum and ask them to spend money. Let us see whether they spend money...

SHRI DATTATRAYA KUNTE (Kolaba) : I would like to say something.

MR. SPEAKER : No, Please. I am on my legs.

The question is :

"That leave be granted to introduce a Bill further to amend the Estate Duty Act, 1953."

The Motion was Adopted

SHRI K. C. PANT : I introduced* the Bill.

12.37 hrs.

CIVIL DEFENCE BILL -Contd.

MR. SPEAKER : Now we take up further discussion of the Civil Defence Bill. We have only 20 minutes left. I do not

* Introduced with the recommendation of the President.

[Mr. Speaker]

know whether we will be able to finish it in 20 minutes. One hour was allotted for this and forty minutes have already been taken. So, with some small speeches, we should finish it.

Mr. P. Gopalan.

SHRI P. GOPALAN (Tellicherry) : I rise to oppose this Bill for various reasons.

Firstly, this Bill seeks to arm the Government with certain Draconian powers that were originally incorporated in the Defence of India Act and the rules made thereunder. Secondly, the very purpose of this Bill cannot be justified particularly at a time when the Emergency has been lifted. There is no prospect of an imminent danger to the defence of our country from any corner whatsoever. Therefore, there is no necessity for such a Bill being enacted, especially at a time when Emergency does not exist. Originally, this was included in the Defence of India Act and the rules made thereunder. Once the Emergency has been lifted, this does not become a necessity and, therefore, I wish to oppose this Bill.

Thirdly, I oppose this Bill mainly because of the fact that the purpose for which this is sought to be enacted will not be served by enacting this Bill.

12'39 hrs.

[Mr. Deputy-Speaker in the Chair]

Fourthly, I am afraid of the fact that, if the bureaucrats are given such wide powers as are sought to be given by this Bill, there is every possibility of these powers being misused, especially for the suppression of the democratic rights of the people. We have had enough experience of the Emergency powers having been used for the suppression of the rights of the people, especially of the working class. I will cite a few examples only. During the time of Sino-Indian conflict, all the workers of a Flours mill in Calcutta were got arrested by the employers in league with the Police officials, and that too was done in the name of defence of the country. Secondly, I wish to point out that, during the Indo-Pakistan war, a

number of members belonging to the minority community were got arrested in different parts of the country.

And in my State of Kerala, a seventy year old woman was arrested and that too in the name of defence of the country. These Emergency powers, the Defence of India Rules and Act were being utilised for the purpose of furthering the interests of the ruling Party and for suppressing the rights of the common people, especially the working classes. At the same time we can see that these powers were not utilised against the real culprits. For example, there had been reports that during the Indo-Chinese conflict some Congressmen in Delhi had embezzled large funds from the National Defence Fund but no action was taken. Then some contractors were entrusted with the task of digging trenches in Delhi for protection in the event of an air raid. They used some inferior quality materials and these contractors were not also punished and no action was taken against them. Some protective walls were constructed in Chandni Chowk where also some inferior quality materials were used for the construction. Here also no action was taken against the corrupt contractors. In this Bill there is a provision for the constitution of a Civil Defence Corps and that too is under the control of bureaucrats. The bureaucrats or the top strata have never been able to defend the country. We have the example before us. When the Chinese reached Tezpur, who were the first to leave Tezpur? Who were the first to run away from Tezpur? The member of the Defence Committee were the first to run away from that place when the Chinese reached that place.

MR. DEPUTY-SP-BAKER : Please conclude now.

SHRI P. GOPALAN : Sir, lastly I would like to say that this Bill will not serve the purpose for which it is intended. The only way to defend the country in the event of a war is to form a people's militia. That is the only way. The entire population should be given military training and if you are going to depend upon the bureaucrats and the top strata, they will never be able to defend the country in

the event of an aggression. In the history also we could see that when Hite Hitler attacked France, the top strata and ruling class surrendered and they fled away from the place and it was the common people, the working classes, who defended the country and who resisted the foreign aggression. All these things go to prove that the top strata can never defend the country, and it is the common people who will defend a nation. Therefore, the only way to defend the country is to form people's militia and to impart military training to every able-bodied person in the country.

SHRI NARENDRA SINGH MAHIDA (Anand) : Mr. Deputy Speaker, I do not know how the previous speaker opposes this Bill. This is a necessary measure because of the suspension of the Defence of India Rules under which certain powers were given to the Home Ministry. Now, Sir, we should rightly understand the need of civil defence of this country. I personally feel that Government has neglected this very important measure, because people in Delhi do not understand that we are only within a few hundred miles from Lhasa. A fast bomber or a fast fighter plane can within a few minutes raze Delhi to the ground. We are not alive to this danger. We forgot it soon after the withdrawal of the Chinese troops from our borders. We have gone to sleep again and do not take any notice of the civil defence needs. A nation like ours with a large population and resources should be geared up to meet any challenge which endangers our frontiers.

From civil Defence point of view, this Bill is a very welcome measure.

My hon. friend who preceded me suggested the starting of a people's militia. I would like to point out that if we do not co-operate in these civil defence measures, we could hardly think of a people's militia. We have seen in 1962 how when civil measures were taken, the people were laughing at those who were digging trenches. That show that somehow we have not taken this measure seriously. Our sea-coast is also exposed to naval movements. But the most serious challenge is to big industrial towns. When the enemy attacks, generally he always

pounces upon big cities like Madras, Calcutta, Bombay or Delhi. So, it is very necessary that we train people in the art of self-defence.

Firstly, we must train our people how to save themselves and how to protect their properties. People have to be trained in the art of extinguishing fires and how to organise medical assistance for the purpose. In the case of even ordinary daily accidents, we have seen how we mismanage our affairs. When there are explosions, we all run away. Even when there is a train accident, we hardly co-operate with the authorities. This is not a measure concerning any ruling party. It is a measure designed to meet a national need and whichever Government is in power has to take all the necessary action. It is the duty of every nation to prepare for self-defence. So, from all points of view, this measure is welcome. I congratulate the hon. Minister for having brought this Bill. I wish that all these Members would co-operate. If there are any loopholes, certainly let us plug them. But let us not oppose this Bill. Let us offer all cooperation and make self-defence so thorough that no enemy can think of attacking us at any time. I support the Bill.

SHRI SAMAR GUHA (Contai) : I am generally in agreement with the approach to the Bill, But I want that the Bill should be amended for this reason namely that its objective, its structure and also the task assigned to the civil defence corps have not been properly and adequately outlined in this Bill. I am afraid the framers of the Bill have lost sight of the radical changes that have taken place all over the world about the principles of war. It is no longer a day of sectional war, but the concept of war today is the concept of a total war. The division between the combatant and the non-combatant has also been eliminated. A new element of war strategy has also been introduced, that is, the strategy of internal aggression by the fifth column. It is known to all of us that during the Second World War and even before the Nazi Army penetrated deep into the interior of countries like France, Belgium and others, those countries fell due to the activities of internal aggression by the fifth column,

[Shri Samar Guha]

Even the Allied Forces and the Russians, when they launched their counter offensive against the Nazis adopted the same method of having internal aggression; I would not use the words 'fifth column', but they used 'partisan elements' and they used them for having internal uprising. Therefore, the concept of defence has also undergone a total change. Unless external defence and internal defence are properly coordinated either in the case of offence or in the case of defence, no country can expect to defend itself.

Therefore, accordingly, the concept of civil defence corps should also be realigned and redrawn; its objective structure and its task have also to be redefined, realigned and re-enumerated.

From this standpoint I do not find that problem that India will have to face has been properly understood by the farmers of the Bill. Everybody knows that we have had to face two aggressions during the last five or six years. It is also known to everybody that there are elements in this country which can play havoc to stage internal aggression in our country, by the fifth column lackeys, as was being done by the Phalangists in the case of Barcelona against the Republicans. There are pro-Chinese and pro-Pakistani elements in our country. Therefore, I would request the Government that they should give serious thought to this matter and properly redraft and outline the objectives of this Bill. For this purpose I would request that this Bill should be sent to a Joint Committee.

We should make it clear that the task of the civil defence corps is not merely to maintain internal peace and law and order at the time of air raids etc. but also to uphold the morale of the people and also to combat the fifth column and the subversive and anti-national forces which would try to paralyse the defence of the country through some sort of internal aggression. Unless the objective of maintaining the morale of the people and also maintaining law and order and also the objective of combating internal forces and the forces of internal aggression such as the fifth column and subversive elements can be combined together, this civil defence corps

may not be able to play a positive part in our national defence.

We know that we are facing two serious enemies on the two sides of our country. We also know that our Government are going to spend Rs. 1000 crores for the defence of our country. Therefore, I would humbly submit that this Bill is too inadequate to enable the civil defence corps to perform the task assigned to it in the case of a real aggression.

Therefore, I would request that this Bill should be sent to a Joint Committee so that we may coolly and seriously think over it and also redefine the objective, structure and also the task of the civil defence corps and form it on the pattern of some sort of a para-militia corps or some sort of an internal defence corps. So, I would again submit that Government should not try to pass this Bill hurriedly, but they should give serious thought to my suggestion. It is for that purpose that I have moved my amendment seeking reference of the Bill to a Joint Committee and I would request that this Bill should be sent to a Joint Committee for proper assessment.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY): I am glad that the hon. Members who have taken part in the discussion have generally welcomed the Bill except the hon. Member from Kerala.

Hon. Members have made certain suggestions, and Government will consider all of them and try to implement them ..

SHRI SAMAR GUHA: It cannot be implemented. Under the Bill it is only a district magistrate who will preside; he may become the director. There are so many retired officers and there are so many eminent men. We can ask them to take over the function. But this Bill does not provide for that. A civilian cannot function effectively in this. Unless the Bill is referred to a Joint Committee and the hon. Minister accepts my suggestions, the district magistrate will not be able to discharge his duties properly. We are spending Rs. 1000 crores on defence. Let

us not pass this Bill in a slipshod way. This is not the proper way to have this Bill passed.

SHRI K. S. RAMASWAMY : I shall take up the point raised by Shri Samar Guha first. He has said that the civil defence organisation should take up the question of fighting the fifth column. I would like to point out that it is not the intention of this Bill and it is beyond the scope of this Bill.

SHRI D. C. SHARMA (Gurdaspur) : I take objection to the allotment of just one hour for this Bill. This is a very important Bill and it should be given some more time.

SHRI SAMAR GUHA : I had tried to explain earlier that the concept of civil defence had also undergone a total change, because the concept of war today is the concept of a total war and the activities of the fifth column have got to be countered.

SHRI K. S. RAMASWAMY : It is not a combatant force. The hon. Member should understand that the civil defence organisation is there essentially to save lives and minimise danger to property and to maintain the continuity of production in the factories etc. and also the civic services. It is not intended for fighting internal aggression or fifth column or danger to internal security as the hon. Member tries to suggest. That is not within the purview of this Bill.

SHRI SAMAR GUHA : That should be one of the objectives. Let me cite the classical example of the fall of France. The sudden fall of France was due to rumour-mongering. All over the country fifth columnists were in operation spreading a rumour that the Germans were only within fifty miles of Paris, thirty miles of Paris and so on. With the result that people got panicky and in their thousands started filling the roads, with the result that the French Army could not move to face the invaders at frontiers. This situation brought about the sudden fall of France.

MR. DEPUTY-SPEAKER : I would request the Minister to address the Chair to avoid these interruptions.

SHRI K. S. RAMASWAMY : If the hon. Member wants a specific provision like that, he should have tabled an amendment for that purpose. But he wants the Bill to be referred to a Joint Committee. Government are not agreeable to that, because the Civil Defence Organisation is formed under the Defence of India Act and the Defence of India Act will cease to operate with effect from 10th July 1968. So we should have the organisation in being before that time.

SHRI SAMAR GUHA : Were Government sleeping all this time ?

SHRI K. S. RAMASWAMY : He has moved for reference of the Bill to a Joint Committee with instructions to report in June. There could be no possibility of passing the measure then as we will not be in session at that time.

SHRI SAMAR GUHA : This is the way to tackle this issue.

SHRI K. S. RAMASWAMY : So we are not agreeable to that. Certain other points have been raised. Shri K. P. Singh Deo has said that there was a loss of equipment worth Rs. 25,000 in Delhi during the last Pakistani aggression.

MR. DEPUTY-SPEAKER : He may continue after the lunch recess. The Law Minister.

12.58 hrs.

STATEMENT RE : CIRCULATION OF AFFIDAVIT

THE MINISTER OF LAW (SHRI GOVIND MENON) : You wanted to know whether Government would be agreeable to circulate for the use of members of the House the affidavit which was filed on behalf of Government by an officer of Government in a writ matter which is pending in the High Court of Delhi.

For two or three reasons, Government think that it would be objectionable to circulate that document. Firstly, it is now a document in the record of the High Court. The original affidavit itself is part of the record of the High