

[Mr. Chairman]

Is Shri Banerjee withdrawing the resolution, or is it necessary to put it to vote?

Shri S. M. Banerjee: Otherwise, I should withdraw from the House.

Mr. Chairman: Now I put the resolution to the vote of the House. Items (i) and (ii) in the resolution were covered by a substitute motion in the debate on the food situation, and they need not be put to vote. Therefore, I am putting only the rest of the resolution to the vote of the House.

The question is:

"In view of the growing discontent among the people of this country against Government's failure to check abnormal rise in prices of all essential commodities, this House recommends to Government the following for immediate adoption and implementation:—

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- (iii) exemplary punishment to hoarders and black-market-eers; and
- (iv) formation of a Price Stabilisation Committee."

The motion was negatived.

Shri S. M. Banerjee: Let them have the hoarders and blackmarket-eers.

## BUSINESS ADVISORY COMMITTEE

### THIRTIETH REPORT

Shri Bane (Buldana): I beg to present the Thirtieth Report of the Business Advisory Committee.

16.32 hrs.

## RESOLUTION RE: DEFENCE OF INDIA ACT

Shri Biren Dutta (Tripura West): I beg to move:

"This House is of opinion that pending the lifting of the Emergency which is long overdue, the repressive provisions of the Defence of India Act and the Rules thereunder should not be used against political Trade Union and other workers of the Democratic movement or for suppression of people's agitation for food and against high prices."

The continuance of the emergency these days is not at all warranted by the situation existing in the country. The emergency should have been withdrawn long back by the Government as continuation of it for nearly two years without any reason whatever only exhibits the growing authoritarian tendencies in the ruling circles today.

First of all, I would like to stress the fact that the ruling party is not at all serious about this emergency. It is during this emergency that corruption in the country has become rampant. It is during this emergency that the Government had to establish the Sadachar Samiti.

The Minister of State in the Ministry of Home Affairs (Shri Nathi): No, no. Government has not done it.

Shri Biren Dutta: Some Minister.

Even Chief Ministers and important Ministers are charged with serious corrupt practices not by the Opposition parties but by the ruling party itself. No serious ruling party in the world would tolerate such a corrupt practice during emergency. But the present authorities are practising this thing while they say that there is an emergency in the country. Even today the Prime Minister has given

some hint that it will continue. I only want to highlight the fact that they are not at all serious about this emergency.

For the stock exchanges there is no emergency. The industrialists have earned fabulous profits, but there is no emergency against them. Administrative inefficiency has gone beyond limits, particularly during this emergency. There have been irresponsible statements by various Ministers and there is the callous attitude of the officials towards the present problems of the people. The growing favouritism and nepotism in the administrative apparatus only goes to show that emergency does not exist in their mind. A large number of trips by various Ministers to foreign countries on this or the plea during this Emergency shows how careless they are about the Emergency. Two no-confidence motions against the Government during the emergency prove that the objective conditions for emergency do not exist. Then, why is it imposed on the people? There can only be one reply to that question. The ruling party knowing fully well that its growing isolation from the people wants to utilise this emergency for its own purpose. The very fact that the Emergency powers are mainly used to suppress the Opposition that champions the interest of the people shows that. The Defence of India Act has just become a handle for the ruling party to utilise it for the narrow party interests. Though our country has border dispute with China and Pakistan, the present conditions cannot be considered as war condition. Though at times tension occurs, time and again we have emphasised peaceful settlement of the border dispute. When the hot war condition does not exist, there is no justification for emergency today. Essentially we are having peace though we need not be less vigilant about defence preparedness.

In a democratic state it is necessary to have certain safeguards against

the abuse of powers by the Government. As Mr. Justice Gajendra-gadkar pointed out in a D.I.R. detention case:

"It may be permissible to observe that in a democratic State the effective safeguard against abuse of executive powers, whether in peace or in emergency, is ultimately to be found in the existence of enlightened, vigilant and vocal public opinion."

The main purpose of the Resolution which I am moving today is to put a check on the misuse of executive power by the Government. I can mention here that very often Ministers are also saying these things, that this power is not going to be utilised against democratic movements. I was among those who fell a victim to the misuse of this power given to the Government, which had been recklessly used by the Government to suppress democratic opposition in the country.

Among the Communists who were arrested immediately after the promulgation of the emergency were a large number of trade union and kisan leaders. Despite the call of the trade unions to fight for the national defence these arrests only indicate the intentions of the authorities to suppress the democratic trade union struggle. As I have said, the Government have deliberately used the DIR against the political parties, particularly against the Communist Party of India. Now, I shall show you how this emergency power had been used in Tripura by the Government. On the 20th of November, 1962, wholesale, the Communists were arrested in Tripura including the Communist M.Ps. and the members of the Tripura legislative assembly. As many as 67 persons were detained till the 23rd of July, 1964 when the Supreme Court of India gave a verdict in their favour. The House should note the fact that the Communist Party is the only Opposition party in Tripura which has its representatives in the

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State legislature and in the Lok Sabha as well. In the 30-member Legislative Assembly of Tripura, the Communists have 13 members and the rest, namely, 17, belong to the Congress. In the Lok Sabha, both the two representatives from Tripura belong to the Communist Party. As soon as the Defence of India Act was in the hands of the Government, the Congress, in the name of fighting the aggressor, started suppressing the political opponents, particularly the Communist Party in Tripura. Not a single communist MP or MLA was spared there; all of them were detained.

I may tell you that when our case was heard in the Supreme Court, it was the late Shri H. N. Sanyal, the Solicitor-General, who pleaded with the court for adjourning the proceedings for two days in order to give him time as he was going to suggest to the Tripura Government to release us and not to contest the case. The Supreme Court had given him one day's time for facilitating the Solicitor-General to contact the Government of Tripura. But the Government of Tripura did not even hear the advice of the Solicitor-General and they ordered for proceeding with the case. Perhaps, the Tripura Government might have thought of keeping us in detention till the next general election! If the Supreme Court's verdict had not been in favour of us, I am afraid I would not have been in this House today at least to move this resolution.

The Government of Tripura did not stop there. They proceeded further. They demanded the security deposit to the tune of Rs. 3,000 from a small co-operative press, which was publishing the organ of the Communist Party there. All the members were thrown into prison and all the managing committee members of the co-operative press were put in prison not only in Tripura but in other centres as well, such as the Central Jail in Bihar. Not one person was left there even to furnish

the security deposit and the Government has locked up the press, and still there are policemen guarding the press.

Shri Nambiar (Tiruchirapalli): Most undemocratic. (Interruption).

Shri Biren Dutta: May I know from the Minister whether this is the only purpose of having the Defence of India Act? I would request him to enquire into these facts and consider the cases to which I have referred here. At least he must have some consideration for that. About 1,500 tribal people who supported us in the last general election have been put in prison under the shadow of this Defence of India Act. They are very poor people. I think there is a memorandum presented to the Minister, and I hope it will be looked into by him.

I shall now refer to other points in this connection. I have been supplied with a copy of the statement made by the Government on the 11th September. I shall only mention the cases of political parties. I find from that statement that still there are 110 members belonging to political parties who are under detention under the DIR. It is interesting to note that in Maharashtra, 13 members belonging to the CPI who were detained in November, 1962, are still under detention there. One member of Bihar CPI who was detained in December, 1962 still continues to be under detention. I do not understand why this misuse of power is still being continued and I do not know how long it will continue to be continued and I do not know how long it will continue to suppress the political parties. It is interesting to note that the Government have not hesitated to put some Congress members also under detention; that has been done in connection with the food movement. Some of them have been put under prison. I would request the Minister at least to release these eight Congress members who are detained in Rajasthan. (Interruption).

**Shri Umanath (Pudukkottai):** We have pleaded the case of your own men who are inside the jails!

**Shri Namblar:** They are Congress dissidents.

**Mr. Chairman:** Order, order.

**Shri Biren Dutta:** I would now refer to some cases where trade union workers themselves have been suppressed. In Bengal, for instance, in the early days of emergency, in a small factory which employed only 150 workers there was a dispute and all the 150 workers were arrested under DIR.

**Shri Namblar:** The factory was shifted to jail.

**Shri Biren Dutta:** Later on they were released. How can the Government explain that these arrests really helped to strengthen the defence of India?

The hon. Minister may say that since I do not have moorings which would link me with the people of the country I am saying this. I would, therefore, refer to a person whose moorings he cannot challenge. This is what the President of the West Bengal Branch of the INTUC wrote:

"The industrialists having been motivated by profiteering are seizing all opportunities provided by national emergency and industrial truce resolution. The workers, it seems, are in a boxing ring with hands tied behind their back due to truce resolution while the other side, the employers, are with open fists and protected by the resolution."

This is the admission by a prominent INTUC leader as to how the national emergency was utilised by the employers. Unfortunately, he has not dealt with the role of the Government in this affair. The Government was openly siding with the employers. Whenever the Govern-

ment felt necessary to protect the employers, DIR was used recklessly to arrest the workers.

Now, take the example of workers employed in Barauni refineries. For several months the workers are agitating for a normal 48-hour working a week as per the Factories Act. The public sector management arbitrarily imposed a 54-hour week, though the Government Conciliation Officer accepted that the Factory Act was applicable to Barauni Refinery. When the workers resisted the attempt, the management victimised some workers. This provoked a strike of ten thousand workers which continued for 20 days. I am narrating all this history only to point out that the Government which was delaying settlement of this ordinary grievance was extremely prompt in arresting 26 leaders on the second day of the strike.

In the case of Goa dock workers' strike in June 1963, the misuse of DIR was glaringly observed by everybody. In a long-standing dispute the Conciliation Officer suggested arbitration. The proposal was accepted by the Union but not the management, who was then wrong in the dispute. The adamant attitude of the management provoked a strike. The Government instead of intervening in the dispute in favour of the workers threatened to use DIR and suppressed the strike. One paper, a daily from Goa, reported:

"Fearing that the strike might be prolonged, jeopardising further India's economy, the Government of Goa had sought assistance of the Defence Ministry and also the Port Trust of Cochin and of Bombay. Personnel of those establishments was expected to arrive on Monday to start loading operation and normalise condition."

Thinking that these measures were not sufficient to suppress the strike,

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the Government arrested 204 workers under DIR and the strike was declared unlawful. However, what happened, as a result of this policy was, that the strike was hundred per cent successful and the workers withdrew the strike only when the management settled their grievances.

Was the use of DIR justified in this? Was it not possible for the Government to instruct the management to concede the reasonable demands of the workers, instead of resorting to use the DIR?

A similar attitude was witnessed when the municipal workers were forced to go on strike in Bombay during August last year. Though the strike was peaceful, 900 workers were arrested. The Socialist Party-led Municipal Mazdoor Union in a meeting while condemning the application of the provisions of the DIR, said:

"This was a clear misuse of the emergency powers conferred by Parliament to fight Chinese aggression. This was nothing but an attempt by the Government to frighten the workers and break their union."

Perhaps the most glaring misuse of DIR in a trade union dispute is observed in the case of Bhopal Heavy Electricals workers' struggle. The workers were paid only Rs. 5 as dearness allowance and they demanded Rs. 30, which was quite reasonable. The minimum wages paid to Bhilai workers were Rs. 95 since December 1962, but the total emoluments of the Bhopal workers amounted to only Rs. 80. The vindictive attitude of the public sector management provoked the workers on a number of occasions, yet the strike was avoided due to the patience of the workers. If the behaviour of the management towards the workers would have been investigated in an objective manner, at least a dozen officers would have been imprisoned under DIR. But the Gov-

ernment gave full protection to the nasty behaviour of these officials who provoked a strike in the plant. However, when the workers downed their tools, DIR was used in a reckless manner and prominent leaders were put behind the bars. The arrested workers were brutally beaten up inside the jails and some of them were sent to far-away jails. Even Members of the Legislative Assembly were denied permission to meet the detained trade unionists. Even the INTUC in Bhopal denounced these repressive steps of the Government and demanded an enquiry into the management of the Heavy Electricals plant. The Government, however, has been satisfied with the mighty power of the DIR.

During the industrial disputes and popular agitations the use of DIR has now become a common usage. When the Government found the influence of INTUC union, Ahmedabad, going down and Sangram Samiti becoming more popular among the workers, the DIR was fully used to keep the prominent trade union leaders behind the bars. The Home Minister says that they have been arrested for violence, but the workers were completely peaceful. The provocation was due to the authorities because they wanted to use this plea to suppress the growing militant trade union movement.

Even in Kerala on 31st August this year 34 prominent Communist leaders were arrested under DIR. The arrests were made even before the beginning of picketing. The arrest of 6 Communist MLA's on the eve of the no-confidence motion against the Sankar Ministry is the most notorious case of the abuse of DIR.

I have quoted here only certain examples about the gross misuse of DIR. But these examples can be multiplied many times.

It is indeed surprising that the Government is thinking of perpetuating the emergency and use of DIR. The hon. Home Minister has already given

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his indication to continue this emergency and DIR for five years or more. This is a dangerous portent for the development of democracy in the country.

The Home Minister takes very much pleasure to point out to the arrest of small unsocial elements under DIR. But these are all small fries and the big sharks are left out. Moreover, this is just done to create an impression that others are also arrested. The main attack of DIR has been on the trade union workers and other democratic functionaries in the country.

Therefore, I would request the House to adopt this Resolution and prevent the executive authorities from utilising the DIR and national emergency to serve the interests of the vested interests and the ruling party.

**Mr. Chairman:** Motion moved:

"This House is of opinion that pending the lifting of Emergency which is long overdue, the repressive provisions of the Defence of India Act and the Rules thereunder should not be used against political, Trade Union and other workers of the Democratic movement or for suppression of people's agitation for food and against high prices."

**Shri S. M. Banerjee (Kanpur):**  
• Madam Chairman, my friend Shri Biren Dutta has very ably brought before the House many cases by which he has illustrated how the Defence of India Rules have been used indiscriminately.

**Mr. Chairman:** Just a minute. Are we sitting up to 5-30?

**Shri Namblar:** Yes.

**Shri S. M. Banerjee:** Let us sit up to 5-30.

**Some Hon. Members:** 5 o'clock.

**Shri S. M. Banerjee:** It is non-official business; let us co-operate.

**Mr. Chairman:** I find the House is of opinion that we should sit only up to five.

**Shri Dinen Bhattacharya:** This side of the House wants to sit up to 5-30.

**Shri S. M. Banerjee:** The other motion is important.

**Mr. Chairman:** The discussion will continue.

**Shri S. M. Banerjee:** No, it cannot come then.

**Mr. Chairman:** The next one can't come. Yes, he may proceed.

**Shri S. M. Banerjee:** Madam, I have certain cases with me. It is surprising that even after two years—they were arrested in 1962—some Communist leaders, several in number, are still rotting in prison. I do not know what is the specific charge against them. At the time of the Chinese aggression they were arrested. They were not tried, and still they are in prison.

In the same way, in the State of U.P. from which I come, there are three or four persons still rotting in jail. I have in my possession a very pathetic letter written from Sitapur jail, by one of my friends by name Shri S. C. Dutta. He has been suffering from serious eye trouble in Faizabad jail. I took up the matter with the Chief Minister and the Home Minister, Shri Nanda, that he may be sent to Calcutta at least for treatment of his eyes. All his relations were anxious to get him treated and were prepared to meet all the expenses of specialist treatment. And what did the Chief Minister do? From Faizabad he was transferred to Sitapur. I would only request, let him be transferred to Calcutta jail, Alipore jail, and released.

**Shri Namblar:** It is high time he was released.

**Shri S. M. Banerjee:** There is no charge against him. But he is still kept in jail.

There is another case of two people who were arrested—Shri Ram Asre, General Secretary, U.P. Trade Union Congress, and another member of a trade union, Shri Manna Singh from Kanpur. They were released when it was found that there was no charge against them. But after being released, they were restrained from staying in Kanpur. That poor employee, Manna Singh, has lost his job. He was serving in a textile mill. We came to know of these when their cases were reconsidered and they were released. But even after release, they were placed under restraint.

Today, the matter about Bhopal has been referred to. Sixty people have been arrested. Today, there is no trouble in Bhopal. All trade union disputes are over. There is an agreement. That agreement has been respected by the workers. They have agreed to co-operate with the management. But even today, when I am speaking here in the House, the President of the Heavy Electricals Servants' Trade Union, Shri S. Bhowmick, is urinating blood in the Jabalpur jail. He is not released. I have made requests to Shri Hathi and other Ministers to come to the rescue of these people. They are detained under the DIR because one General Manager of the Heavy Electricals does not want to see their faces. It is a tragedy that these young boys of seventeen years and eighteen years who have pledged themselves to socialism, who wanted to protect the interests of the public sector, should suffer like this because a group of pensioners at the helm of affairs there could not step up production in the Heavy Electricals. They demanded the resignation and remo-

val of the Chairman or General Manager. And they were put under arrest. Even in the State Assembly in Bhopal the Chief Minister made a statement that "it is a matter for the Central Government, we have nothing to say and we shall release them".

I, therefore, request Shri Hathi to review all the cases and see that they are released. If Shri Bhowmick dies in jail today, what will happen to the Heavy Electricals? There will be a black scar on the Heavy Electricals plant. Every worker will feel that their leader was put under arrest under the Defence of India Rules for nothing and he was harassed and he ultimately died.

**Mr. Chairman:** How much time would he take to conclude?

**Shri S. M. Banerjee:** That is why I plead with the hon. Minister to review the Bhopal case, the U.P. cases and the Bombay and Calcutta cases which I have referred to. Nobody should be detained under the DIR now. DIR should be meant for the Birla family, for Dalriia, for hoarders and blackmarketers and no more for respected Indian citizens who have pledged their loyalty to the country, who have fought the aggressors, who have pledged themselves to fight the aggressor and who are prepared to sacrifice their lives for their motherland.

With these words I support the Resolution and demand the release of all those persons who have been arrested under the DIR.

17.01 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Manday, September 21, 1964/Bhadra 30, 1888 (Saka).*