

Mr. Speaker: There is a definite direction that the correction should be made within the next 24 hours. Probably the intention is that as soon as the answer is given, the Secretariat and the Minister might look into that to see whether that is the correct answer or something has slipped and correction, if any, should be made soon. At least so many days should not lapse between giving the answer and correcting the incorrect reply. Therefore, more care should be taken in future to see that it is done as early as possible and if there is some plausible reason for the delay, that should be explained to the House. (*Interruptions*).

Shri Nath Pai (Rajapur): You are so mild, Sir.

Mr. Speaker: That is my nature. I cannot help it. I am so made.

12.39 hrs.

PREVENTIVE DETENTION (CONTINUANCE) BILL—*contd.*

Mr. Speaker: The House will now proceed with further consideration of the following motion moved by Shri Y. B. Chavan on the 21st November, 1966, namely:—

“That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration.”

Out of five hours, three hours have already been taken and two hours remain.

Mr. Umanath:

Shri J. B. Kripalani (Amroha): Before you take up the discussion on this, I have to say something.

I made a speech on this Bill a few days back and unfortunately you were not present. I placed an envelop on

the Table of the House, which envelop clearly shows that my letter has been tampered with. The letter was written to my wife; it was written by me; my name is given on the top; it was written from Hong Kong. I would like to know why my letter was tampered with. When Shri A. K. Gopalan had raised that point, I had rather in a way defended the Government and said that every Government does that and denies it. But I did not know that they would censor a letter written to the Chief Minister of a Province, who belongs to their own Party. I had also drawn the attention of the House to the fact that my telephones were being tapped. I did not know that my own telephone would be tapped when I am talking to the Chief Minister or UP, to my wife. I thought that I was liberal enough to allow my wife to be in the Congress, but I did not know that I could not talk to her without others listening to it.

Shri Tyagi (Dehra Dun): We have also been liberal enough to allow her to talk to her husband.

Shri J. B. Kripalani: But I did not know that the authorities and sometimes some people who have enmity with me or with her would bribe the telephone employees there and tap the telephone.

This is the double complaint that I have to make.

Shri N. C. Chatterjee (Burdwan): The Deputy-Speaker who was in the Chair at that time had said that he would place the matter before the Speaker and then action would be taken on that. Was it placed before you?

Mr. Speaker: Yes, I have asked the Home Minister to find out the facts and give me information as to what was happened and why it was so opened. As soon as I get the reply, I shall inform the hon. Member.

Shri S. M. Banerjee (Kanpur): The Home Minister will not be able to answer this. Therefore, I would submit that the Communications Minister should be asked to answer this.

Shri Umanath (Pudukkottai): In this respect I am really envious of the position which Acharyajis wife holds, because she at least receives the letter after it is tampered with. From the 1st to the 10th November, three letters had been written by my wife to me, but I have not received any of three letters. This can be verified from my wife. Therefore, I have said that I am so envious.

Shri J. B. Kripalani: His wife is not a Chief Minister, but my wife is a Chief Minister.

Shri Umanath: That is why I have said that I am envious of that position.

Shri Hem Barua (Gauhati): Is it in order that mention should be made of Members' wives here? Are they a part of the House?

Shri Hari Vishnu Kamath (Hoshangabad): A part of the household, though not of the House.

Mr. Speaker: Order, order. Let us proceed in an orderly manner.

Shri Umanath: While moving the Bill for consideration, the Home Minister had stated that the Preventive Detention Act had become a normal law. I can understand this position. For a Government, for which the suppression of the democratic struggles of the workers, the peasants, the middle class employees and students has become a normal duty, it is quite understandable that the Preventive Detention Act has become a normal law.

I may give you the latest instance from the hon. Minister's own State, namely Maharashtra. In Bhiwandi, 30,000 powerloom workers had gone on strike and their demand was for the implementation of the shop Act. It was easy for the Maharashtra Gov-

ernment to avert the strike by enforcing the Shop Act because it was within their own powers. But instead of doing so, they resorted to the Preventive Detention Act, arrested six of their leaders, and one of the leaders, the secretary of the union, was arrested after the strike was over. Here is a concrete instance where Government could have averted a strike by implementing the Shop Act which was within their own powers but instead of doing so and resorting to the normal method, they resorted to the Preventive Detention Act.

Now, I shall give another such instance. The age Board for engineering industries has recommended interim relief. Now, Government have accepted it. In Delhi, many of the engineering concerns are not implementing it, and there is agitation for the implementation of the interim relief granted by the Wage Board. But Government have arrested the Secretary of the Union, Mr. Puran Chand when this agitation is going on. Here is also a question where it is within the power of Government to have the recommendation implemented so that interim relief could be given to the workers, but instead of resorting to it to avert the agitation, they have resorted to the Preventive Detention Act to arrest the union leaders.

I shall give an instance of how it is being used. Shri Ram Asra is a student leader, who was arrested along with Dr. Lohia recently. Dr. Lohia and others were released. But Shri Ram Asra and two others were arrested under the Preventive Detention Act afresh and sent to a UP Jail. One of the grounds of detention given is that he as the convener of the Action Committee, issued a statement to the press saying that there would be no negotiation till all the students were released and till a judicial probe was instituted by Government. This is the ground of detention under the Preventive Detention Act—demanding the release of students and asking for a judicial probe into the affair. Is it not very clear that this Preventive

Detention Act is meant for smothering and actually choking the normal demand of the people for a judicial inquiry into certain incidents? Perhaps this was what Shri M. C. Setalvad had in mind when he said at a Calcutta lawyers' meet on 12-10-65:

"The Government is using its dictatorial powers in the discharge of the ordinary functions of Government like preventing strikes etc."

I come to another question to show how the preventive detention powers are being used by Government to subvert the privileges of Parliament. It was my own experience. I am not going into the question on which you have given a ruling. In 1965, during the August session, I was present here in Delhi. I was a detenué parole.

Shri Tyagi: My hon. friend, absconded. While in police custody in the train, he absconded.

Shri Umanath: I do not know what my hon. friend is talking about and what relevance it has. I escaped from jail under the British raj. Does he consider that to be a sin?

Shri Tyagi: Did he abscond or not?

Shri Umanath: I do not want to enter into a discussion with him.

As I said, in August 1965, I was here as a detenu with Shri Nambiar on parole to attend the Supreme Court case. Then I wrote to Shri Nanda, then Home Minister. 'We are going to attend the session on the 16th'. Shri Nanda wrote back to me, 'If you have not returned to your place, you must immediately quit'. Then on the same day, 7th, fortunately for us, we received an order from the Chief Secretary to the Madras Government saying 'You are permitted to stay in Delhi till the disposal of your case'. Then we sent this order to Shri Nanda, and said that we shall continue to remain here. This letter of the Chief Secretary was sent to Shri Nanda on the 13th. On the 15th, what happened? We received a telegram from the same Chief

Secretary saying permission granted to stay in Delhi cancelled; return immediately'. What happened between the 13th and the 15th? I am giving this instance to show how this power to preventively detain is being used to suppress the privileges of Members of Parliament. I am asserting with a full sense of responsibility that between the 13th and the 15th, Shri Nanda contacted the Chief Minister of Madras Shri Bhaktavatsalam, and told him that 'if this permission is not cancelled, they will attend Parliament, which cannot be allowed; so you must immediately send them a telegram cancelling the permission'. As said, I make this statement with a full sense of responsibility concerning its veracity that Shri Nanda contacted the Chief Minister and asked him to send us a telegram cancelling the permission so as to prevent us from attending Parliament. I am prepared to prove this. I reiterate that Shri Nanda did contact the Chief Minister and prevailed upon him to send a telegram cancelling the permission.

Shri Harish Chandra Mathur (Jalore): Was it under the Preventive Detention Act or the DIR?

Shri Umanath: I am showing how the power of preventive detention is being used for this purpose of subverting the privileges of Members of Parliament.

Then I come to the oft-repeated purpose of this Act, namely, to curb communalism. It is a fact that communal, reactionary forces attacked the bungalow of Shri Kamaraj, political leader of the Congress Party, and tried to assault him. But let us not forget certain other things. In November 1962, when these very communal, reactionary forces attacked our Party office, burnt it and assaulted our comrades inside here in Delhi, did anybody raise a finger? Mr. Jagjivan Ram addresses a meeting near our parliamentary party office in 1962, incites the people like anything, calling us traitors, unpatriotic and

[Shri Umanath]

all those things and he goes home and the crowd goes straight to our parliamentary office and attacks. Comrade Gopalan was under threat of assault any minute. Was the power under the Preventive Detention Act used by this Government against these very forces when they resorted to the same arson and assault, which they have extended to Mr. Kamaraj now? They did not use. On the other hand, they called these forces patriotic, elevated these very same forces. And then, instead of using the power of preventive detention against them, they appeased them by using the preventive detention against us and we were sent to jail. So, let us not forget that what you sow you have got to reap, as the Biblical saying goes.

I am saying this because the Government's statement that the power of preventive detention is meant to check communalism and communal forces is not seriously meant.

Some hon. friends were saying that these Left Communists are there, they are Chinese agents, spies and all those things, and so this power is required. I say that they have no moral authority to say that because here is a party which has been nursing a Pakistani spy for the past 15 years in its own head-quarters in Delhi, in the AICC office.

Shri Tyagi: It is *sub judice*.

Shri Umanath: Here is a party which did not use its power of preventive detention all these years to check a spy's existence in its own office. What moral right have they got to talk of us as spies and the use of the power of preventive detention to check us, giving us the names of spies and all sorts of slanders?

It is said the power of preventive detention is meant to check arson. It is a fact that in this country in the interior parts, in the countryside, big

landlords are nursing armed bands who commit murders and arson off and on. I would like to know whether this power of preventive detention has been used by the Government for the past so many years, ever since 1950 to put down these armed gangs and to avert their activities.

I take an instance, what the big Jotedars did in West Bengal in April, 1966. The correspondent of the *Madras Mail* wrote on 17-4-1966:

"The big Jotedars are angry with the Government and the Block Development Offices which had issued levy notices. Their anger found expression in the attacks that were mounted on Block Development Offices, and attempts at burning the levy records maintained by the offices, which, once destroyed, will leave no trace of the levy notices, to the advantage of the big Jotedars."

This is what the *Madras Mail* correspondent himself saw. The big Jotedars, in order to avoid paying levy to the Government, are setting fire to Block Development Offices to destroy office records. Is it not arson pure and simple? I want to know whether in those areas where this thing has been mentioned in West Bengal, the power of preventive detention was used by the State Government to put down those Jotedars' activities of arson? It was not used. So, all these statements saying that this is meant to put down communalism, arson etc., are all just to deceive the public.

Coming to the question of putting down goonda and anti-social activities, I would like to submit that this Government is more nursing the goondas and anti-social elements than using the power of preventive detention against them, and my witness is the President of the Delhi Pradesh Congress Committee, Mir Mustaq Ahmed, himself. Addressing one of the public relations meetings of the Delhi Administration, he made this

statement which was published in *Hindustan Times* of 20-2-1966:

"There are so many Walcotts in Delhi, whose photographs are published with those Ministers and who take undue advantage of their influence on them... No doubt, goondas are patronised by political leaders who need them during elections to catch votes."

Here is an admission by the Delhi Pradesh Congress Chief himself saying that anti-social elements like Walcott are many in Delhi and that Ministers are going along with them and taking photographs. Is this not nursing anti-social elements in this country? Is it a question of putting down anti-social elements and goondas by using the power of preventive detention?

I would like to conclude by saying that the existence of this power of preventive detention is very dangerous to the liberty of the citizens, most dangerous to the privileges of this parliament, most dangerous to the functioning of the democratic opposition and more dangerous to the ordinary masses who conduct democratic struggles, and hence this Act must be scrapped. Otherwise, the Government themselves will be scrapped from the political scene of this country.

श्री विश्व नाथ पाण्डेय (सलेमपुर) :

प्रप्रध्यक्ष महोदय माननीय गृह-मंत्री महोदय ने जो अधिनियम, 1950 प्रतिरिक्त अधध के वास्ते जारी रखने के लिये इस सदन के सामने रखा है मैं उसका हार्दिक समर्थन करता हूँ और साथ ही साथ मैं इस बात को समझता हूँ कि उन्होंने जो यह विधेयक प्रस्तुत किया है, उसका मालव यह है कि देश के छन्दर जनतन्त्र, लोकतन्त्र, प्रजातन्त्र चले, कानून की व्यवस्था बनी रहे, धराजकता न फैलने पावे तथा कानून की व्यवस्था देश के सामने, संसार के सामने, सुन्दर तरीके से चले। जहाँ तक मंत्री महोदय का स्वयं का सम्बन्ध है, जिस जिस स्थान पर भी वे गये

हैं, उन्हें अब तक पूर्ण सफलता प्राप्त हुई है, प्रतिरक्षा विभाग में भी सफलता प्राप्त हुई और जिस वक्त इन्होंने इस विभाग का भार अपने हाथ में लिया, उस में भी सफलता प्राप्त हुई और सफलता की पूर्ण होने की आशा है, इसके लिये मैं उन्हें हार्दिक धन्यवाद देता हूँ।

12.55 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

जिस वक्त यह विधेयक सन 1950 में सदन के सामने प्रस्तुत हुआ था, उस वक्त संविधान बन चुका था तथा उस के दो महीने के बाद ही स्वर्गीय सरदार पटेल, जो लोहपुरुष थे इस को यहाँ पर लाये थे। वह नहीं चाहते थे कि इस तरह का प्रस्ताव सदन के सामने आवे, लेकिन उन्होंने अपने शब्दों में कहा:-

He stated that he was anxious to see if this matter could be averted, but in the interest of the country and public order in the country he had to move for the passage of the Bill.

उन के बाद भी जितना गृह मन्त्री हुए श्री राजगोपालाचारी, श्री काटजू, पन्त जी तथा नन्दा साहब, वे लोग भी समय के अनुसार इस तरह का विधेयक सदन के सामने प्रस्तुत करते रहे, क्योंकि वे समझते थे कि हमारा जनतन्त्र खतरे में है, वह समझते थे कि प्रजातन्त्र खतरे में है और जब तक देश के छन्दर लोकतन्त्र, जनतन्त्र, प्रजातन्त्र ठीक तरह से नहीं चलेगा, देश का कल्याण नहीं हो सकता है।

गत मास देश में धान्दोलनों का ताता बंध गया था, कहीं पर बंध धान्दोलन, कहीं पर गाय-धान्दोलन, कहीं पर साधू धान्दोलन कहीं पर छात्र धान्दोलन, ऐसा मालूम होता था कि लोग, जो धान्दोलनकारी थे, वे चाहते कि कानून अपने हाथ में ले लें, देश के छन्दर व्यवस्था पैदा कर दें, यहाँ तक कि विधेयक कारियों और विद्रोह करने वालों की तादाद काफी बढ़ गई। वे चाहते थे कि इस तरह की धराजकता फैला कर राष्ट्र का नाश कर

[श्री विश्वनाथ पाण्डेव]

दिया जाये, सत्यानाश कर दिया जाये, लेकिन मैं समझता हूँ कि राष्ट्र की जो लोकतन्त्रीय सरकार है, उसका यह पुनीत कर्तव्य होता है कि राष्ट्र में प्रजातान्त्रिक तरीके से कानून की व्यवस्था करे, जब देश के अन्दर अराजकता फैले, उस वा कर्तव्य होता है कि अराजकता को सख्ती से हटावे और देश के अन्दर एक शान्त वातावरण पैदा करे। यह सही है कि देश के अन्दर कुछ कानून ऐसे हैं, जैसे प्रक्रिया संहिता है, दंड संहिता है, जुर्म करने वाले इन के अन्दर भी आ सकते हैं, लेकिन इन का प्रोसीजर कुछ भिन्न है। इसी लिये जो यह कानून बनाया है, इस को परमानेंट नहीं बनाया है। इमको अभी स्थायी रूप नहीं दिया है, कुछ समय के लिये ही रखा है और यही कहा गया है कि तीन वर्ष के लिये ही इस को बढ़ा दिया जाय। यदि राजनीतिक दलों के लोग, देश को जो चलाने वाले लोग हैं, विरोधी दल के लोग, चाहते हैं कि इस तरह का कानून देश के अन्दर न रहे, तो उन का भी यह कर्तव्य हो जाता है कि देश के अन्दर शान्ति पैदा करने में सहयोग दें। जब वे सहयोग करगे, तो मैं समझता हूँ इस कानून के अन्दर कोई गिरफ्तारी नहीं हो सकती है, कोई नजरबन्द नहीं हो सकता है।

मैं आपके सामने कुछ आंकड़े प्रस्तुत करना चाहता हूँ, जो कि गृह-मंत्रालय मे मुझे मिले हैं—

"Statistical Information regarding the working of the Preventive Detention Act, 1960."

इस के छठे पृष्ठ पर अंकित है कि 516 आदमी जो गिरफ्तार हुए वे बायलेंट एक्टीविटीज के कारण, जिन्होंने हिंसात्मक कार्यवाही की थी, उनको गिरफ्तार किया गया, 65 आदमियों को गुण्डाईज्म के कारण, जो गुण्डागर्दी करते थे, गिरफ्तार किया गया, जो इकैतों को शरण देने थे, बदम शों को, जो लूटमार करते थे, उनको

अपने घर में छिगते थे, ऐसे लोगों की गिरफ्तारी की संख्या 5 है। इस लिये मैं यह कहना चाहता हूँ कि इस कानून का कभी दुरुपयोग नहीं किया गया और मैं समझता हूँ कि इस जनतान्त्रिक सरकार ने, जिसकी जिम्मेदारी सब को सुरक्षा प्रदान करने की है इस कानून के अन्तर्गत उन्ही लोगों को गिरफ्तार किया, जो इस दायरे में आते थे। देश के सामने अब भी संकट है। पाकिस्तान का संकट है, चीन का संकट है, नागालैंड की समस्या है, मीजों की समस्या है, ईस्ट पाकिस्तान की समस्या है, जो जयचन्द हमारे देश में हैं उन की समस्या है। इन समस्याओं को हल करने के लिये यह आवश्यक है कि तमाम देश के अन्दर एक ऐसा कानून हो या इस तरीके का माप दंड हो, इस तरीके के दंड की व्यवस्था हो जिसके अन्दर जो जयचन्द हों, जो अराजकता फैलाते हों, घृणा पैदा करते हों, विद्रोह पैदा करते हों और हिंसात्मक प्रवृत्ति फैलाते हों, समाज विरोधी तत्व हों या समाज विरोधी तत्वों को प्रश्रय देते हों, उन के प्रति कड़ी कार्रवाई की जा सके, और जिस कानून की अवधि बढ़ाने के लिये गृह मंत्री महोदय ने कहा है उस में इस का समावेश हो।

13 hrs.

यह बात सही है कि उस कानून का दुरुपयोग नहीं होना चाहिये। साथ ही हम लोगों में से बहुत से ऐसे लोग हैं सदन में जो चाहते हैं कि गोहत्या पर रोक लगाई जाये, राष्ट्र में गोहत्या बन्द हो, लेकिन हम लोग ऐसी परिपाटी नहीं चाहते जिस के माध्यम से इस तरीके के प्रदर्शन हो, इस तरीके की एक शान्ति हो, इस तरीके का विरोध हो, जिस में कि बसें जलाई जायें, सरकारी सम्पत्ति लूट ली जाय, रेलें गिरा दी जायें और बहुत से लोग जो हैं उन के घन और जन का नाश हो। इस से देश का कोई फायदा नहीं हो सकता है। हम लोग शान्तिमय तरीके से प्रजातन्त्र के अन्तर्गत, जो कि संविधान के द्वारा हम को मिले हैं, अपने विचारों को

रख सकते हैं सरकार के सामने, और सरकार का बुनियादी कर्तव्य है कि वह उन को मान मान ले ।

मैं इस के साथ साथ माननीय मंत्री महोदय से एक प्रार्थना भी करना चाहता हूँ । यह विधान कठोर है । यह विधान उसी वक्त लागू किया जाना चाहिये जब उसकी आवश्यकता हो । मंत्री महोदय बहुत विवेकशील व्यक्ति हैं और मैं समझता हूँ कि वह बहुत संयम से और उचित तरीके से इस कानून को काम में लायेंगे तथा उन्हीं के प्रति इस का इस्तेमाल करेंगे जिन के विरुद्ध ऐसा करना आवश्यक होगा । वह इस कानून के अन्तर्गत उन लोगों पर भी नजर रखेंगे जो काला बजार करने के लिये मशहूर हैं, जो गुंडागिरी के लिये मशहूर हैं और तस्क़ार व्यापार में मशहूर हैं क्योंकि मैं समझता हूँ कि राष्ट्र के अन्दर सब से समाज विरोधी तत्व यही है । ऐसे समाज विरोधी तत्वों के विरुद्ध इस कठोर कानून का उपयोग किया जाना आवश्यक है । यदि ऐसा किया जायेगा तो सरकार के प्रति, इस राष्ट्र के प्रति और इस जनतन्त्र के प्रति लोगों की भावना अच्छी होगी । मंत्री महोदय ने जो विधेयक इस समय सदन के सम्मुख प्रस्तुत किया है, मैं समझता हूँ जितने भी माननीय सदस्य हैं वे एक स्वर से इस का समर्थन करेंगे क्योंकि इस में किसी का अहित नहीं है । जो बुराई करेगा, देश के हित के खिलाफ काम करेगा, हिंसात्मक कार्रवाई करेगा, समाज विरोधी कार्रवाई करेगा उस के ही खिलाफ इस कानून का इस्तेमाल हो सकेगा ।

इन शब्दों के साथ मैं इस विधेयक का हादिक समर्थन करता हूँ ।

Shri S. M. Banerjee: Mr. Deputy Speaker, I rise to oppose this Bill. The Government, I feel, could not run without the help of the DIR, AIR and the PD Act. We were told right in the beginning that it was a tem-

porary measure and that when the atmosphere of hatred and disaffection was not there and people behaved properly, this Act would not be necessary. Even today, when elections are fast approaching this is the last session—and all the political parties will go to the people and ask for their votes, even today some political leaders are behind the bars under the PD Act. In July, 1966 a call was given by all the left parties for the U.P. bandh. Five leaders Shri Shiva Narayan Sahay of the Republican party, Shri Raghunath Singh, a student leader of Kanpur, Shri Shyam Misra of the SSP, a student leader of Kanpur, Shri Anand Madhava Trivedi, a left communist leader and Babu Badre, one of the secretaries of the SSP were put behind the bars under this Act. The charges against them were proved to be utterly false and fabricated and ultimately without giving them an opportunity to go before the review committee, they were released by the U.P. Government as they were afraid that the High Court Judges would pass some strictures against the executive on their habeas corpus petitions which were pending before them. So, they were released unconditionally on that day. Even today when there is no student agitation in U.P. one of the leaders who had nothing to do with it. Shri Ram Swarup Misra, a left communist leader, is behind the bars and I would request the hon. Minister to order an enquiry into the wrongful detention of such political leaders.

On 12th July a strike took place and all the establishments were closed. After that they started persecution of the leftist parties. Even today the U.P. jails are full of even minor students; some of them cannot even be regarded as teenagers as they are less than 13. Charges of violence, looting and arson were levelled against them. Any person with a little imagination could know that these detentions were resorted to only to take political vengeance against leftist parties. When some left com-

[Shri S. M. Banerjee]

munist leaders in Kanpur could not be arrested under this Act, they were arrested under sections 332 and 333 of the Cr. P. C. and I.P.C. on charges of fighting with the police and beating the police officials. One of my good friends, Shri Mahadeva Kaithan is behind the bars in Kanpur; he could not be arrested under the PC Act but was arrested under the various provisions of the Cr. P.C. If anybody is responsible for lawlessness in the country it is this Government. The Government wanted to control the student unrest with the help of lathi and tear gas and steel helmeted P.A.C. I am sure a day will come when the Government will have to realise that ballots are better than bullets and that bullets could not check any movement. What happened in Bengal? 35-36 men, some of them boys, were killed. But there was another movement after 15 days. The leaders were arrested even earlier but the movement could not be stopped. In U.P. about 6,000 were detained, some of them under the P.D. Act but 12th July was a full success. What happened in Bihar, Punjab and other States? The so-called mighty Government, a puppet of the American imperialists could not check any movement with the help of either the DIR or the PD Act or with the help of lathi or bullets. The day is fast approaching now. The responsibility for the starvation of millions in this country rests solely on this Government and so the starving people will rise and try to overthrow this Government. I warn this Government that the line between hunger and anger has become thinner and once they meet, then to amount of Preventive Detention Act or the DIR or other provisions, the various other provisions of law, or the bullets can save the situation.

May I quote certain figures from the statistics supplied to us by the Home Ministry? The number is in-

creasing every day. In Uttar Pradesh, the number of detenus released by the Government *suo motu* is 90. Why *suo motu*? Why should the Government release them *suo motu*? Because it was known to them that this Preventive Detention Act was used indiscriminately, wrongfully, and so they would have appealed or moved *habeas corpus* in the high courts. So, they were released *suo motu*. Everytime they are detained wrongfully; they are not tried in a court of law, in this lawless law, and when there is pressures from the people, when cases are moved in the high courts and the Supreme Court, the highest judiciary in the country, then they are released *suo motu*. So, I feel that this House should reject this Bill. They want three years more, and for what? For checking blackmarketing, for checking hoarding, for checking profiteering for fighting external aggression? When there was external aggression, all sections of the people, whether they had faith in this Government or not, united like one, man and it is shameful on the part of the Government to say that this law is needed to control all those who may have committed disloyalty. My hon. friend Shri Umanath has quoted the instance of the spies. They were not members of the Left Communist or the SSP or any other Opposition party. They were the members of the ruling party, the Congress Party, and one of them was supposed to be the office secretary sitting in Jantar Mantar, Road in the AICC office, who should have been detained. It is those people who pass on various important papers connected with the Farakka barrage to Pakistan through the Pakistan Embassy. It is no secret. A very responsible Congress member from West Bengal was involved, and everything was done under his patronage. When the resignation of that hon. Member of this House was demanded, there was a furore in this House, and it was said, "No, no." Later on, it was known that all these things were be-

ing done with the connivance of a big leader. Even today, I am making this statement, that this particular gentleman who is also a Member of this House, is the big boss of West Bengal, and he should have been arrested under the Preventive Detention Act long ago if really the Government wanted that this spy ring headed by Suil Das and Mohit Chaudhuri should be unearthed. I do not want to say much about it, because the case is sub judice.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri S. M. Banerjee: I shall conclude within two minutes, Sir. I may also invite the attention of the hon. Home Minister to the various agitations that are going on in the country; and also in the Hindustan Aeronautics, Ltd., Kanpur, where 80 men have been sent out from service; some of them were detained under the Preventive Detention Act, but later on, it was changed to section 151 and other provisions. The hon. Home Minister was our beloved Defence Minister till recently. I would appeal to him. Kindly see that these detentions, the detention of these 80 workers in Kanpur not only under the PD Act but under various provisions of the law, even after the withdrawal of the strike, are repealed, and the people released here and now. They have been dismissed from service and the cases are going on against them.

Then, at Port Blair, some Government employees who were staying in their small huts, under the orders of the Commissioner, are being evicted today. Their leader, Mr. Prasad, is behind the bar. He has gone on hunger-strike, and he was detained, I am sure, under this hated Preventive Detention Act. Today, the whole of Port Blair is on fire, and the Central Government employees and other local body employees are agitated against the eviction ordered by this all-powerful Commissioner who has the patronage and support of the Home Minis-

try, and who tried to arrest every one there.

With these words, I request the hon. Home Minister not to pursue this Bill; let it be withdrawn. There are various provisions today under the Criminal Procedure Code, and the IPC under which all those people who are committing crime could be dealt with. Today, they may pass it here; under the Preventive Detention Act, the Opposition members may be detained; we do not bother about it, but if you pass the Preventive Detention Act today, I am sure the people of this country who hate the Preventive Detention Act are going to pay them back in the coming general elections.

Shri Basappa (Tiptur): Mr. Deputy-Speaker, Sir, it is admitted on all hands that it is an extraordinary Bill. It is very unfortunate that it has become the normal law of the land. But the extraordinary situation in which we are living and the difficult law and order position makes it clear that this has to be continued in spite of our differences. The very fact that Shri Umanath argued this case so ably for the abolition of this measure shows that the powers under the Preventive Detention Act must be extended in a larger measure to round up the goondas and blackmarketers and other anti-social elements, the communal elements, and so on. Of course, he was pointing out that there was some discrimination here and there made, and that it was not used properly in one or two cases like that. But on the whole, the very arguments advanced by him show that this power should be extended. Nobody would say that it is a good piece of legislation, but it has become a necessary evil. I would call it a necessary evil, necessary because the present climate of violence that is prevailing in the country makes it necessary and also it is the various agitations that have been going on—the linguistic fanaticism that we are seeing today, the student agitation, the cow protection agitation and the steel plant issue—

[Shri Basappa]

that have made this necessary. Hereafter, the border issues and also the water disputes and other things may be coming up in this country, and they have to be handled properly. There are bound to be very big agitations and therefore, if people take the law into their own hands, then, such a Preventive Detention Act becomes necessary.

It has been noticed that there is so much hoarding going on. The food situation is very acute and there are blackmarketers, and there is profiteering going on, and there was the conflict between us and Pakistan, and China, and there is also espionage work going on and there is also a lot of sabotage going on. So, in order to prevent all these things, it has become very necessary. And to prevent the activities which are very, very prejudicial to the defence of India or civil defence or to public safety, order, maintenance of supplies and services—from all these points of view—it has become a necessary evil; though it need not be very much welcomed, the present situation, extraordinary situation, has made it very necessary.

In order to see that this Act is properly implemented, certain assurances and safeguards have to be provided and I think the Government will always take care to see that these safeguards are maintained scrupulously. For example, there is a fear that the coming general elections may not be free and fair. But to make it free and fair, it has become necessary; we do not know what these anti-social elements will do and in what manner they are going to sabotage this general election and therefore, from that point of view this has become a very necessary thing. There is apprehension expressed that it will be used against political parties and Opposition Members. They need not take it that way. All anti-social and anti-national elements, whether they belong to Congress or other political parties, will have to be rounded up. It is expected that this power would be

used discriminately and not misused. A few cases of misuse have been pointed out. I understand it. I myself brought to the notice of the Minister that it has been misused in a particular case in Bangalore. There is ample proof and even the Mysore Government have written letters. It was done under some misapprehension and those facts were found baseless. They must rectify it. I had written to Nandaji and also to Chavanji, but I have not received any reply. It is high time they attended to these things quickly so that justice may be done. On that ground I do not say that this Bill should not be passed. In a big country like ours there are bound to be a few cases of misuse. It is up to us to point them out—as I have done—so that it may be used in a proper manner. I hope the Deputy Minister will take note of what I have said. If injustice has been done to any party, it must be rectified quickly.

The opposition members said that the ordinary law of the land would be sufficient. But I ask, what is the use of rounding up a man after he has burnt everything or removed the fish plates and after hundreds have died as a result of the train collapse? The ordinary law comes into operation only under those circumstances. It is necessary that they must take precautionary measures and for that some people will have to be arrested earlier. In every case there will be a judicial scrutiny. If it is pointed out there that what has been done is not right, he will be released. The advisory committees are also there. The only thing is they must function effectively. For that we must tell the Government to take the necessary steps in the matter.

Mr. Chatterjee—he is not here now—said the Home Minister adopted a cavalier attitude in bringing this Bill whereas Sardar Patel spent sleepless nights over this Bill. That is not correct. Mr. Chavan also must have thought a hundred times before bring-

ing this Bill. Let us hope when agitations take place, he will handle them properly and will not use this power indiscriminately. There are apprehensions even in Mysore about the Goa opinion poll and on the border issue, I hope Mr. Chavan will take proper measures to establish a more cordial relationship between one State and another. I hope his actions will give greater confidence to the people at large.

The opposition said it is almost a police raj in this country. I say that our country enjoys more freedom than any other part of the world. The opposition have been given ample opportunities to voice their feelings both inside the House and outside. The Press enjoys a lot of privilege. So, it cannot be called a police raj. As a result of discontentment and dissatisfaction prevailing in the country and because external and internal threats are increasing, anti-social elements will not allow this country to progress. The opposition criticise the Government to such an extent that the image of India is tarnished in other parts of the world. From all these points of view, it is necessary to have this Act. It is for the opposition to go modify their actions that this Act will not be necessary. But so long as the situation continues as it is today, in my opinion this Act must continue to remain on the statute-book.

श्री ज्वा० प्र० ज्योतिषी (सागर):
उपाध्यक्ष महोदय, मुझे कोई बहुत सुख नहीं होता है इस बिल का समर्थन करते वक्त लेकिन देश की वर्तमान स्थिति को देखते हुए यह आवश्यक है कि इस तरह का बिल पास किया जाये और प्रिवेंटिव डीटेंशन एक्ट की अवधि बढ़ाई जाये। इस बिल की चर्चा करते वक्त सरदार पटेल की बात कही गई और कहा गया कि उन्हें दुख था। इस बिल को पास कराते वक्त उन्हें तीन रात नींद नहीं आई थी। सीधाय्यवश इसे सदन में आज बही दल सत्ताखंड है जो दल कि सरदार पटेल की विरासत का हकदार है। इस दल

को भी हम को भी, हमारी सरकार को; भी कोई सुख नहीं है इस बिल को पास करने में। लेकिन आज जैसी स्थितियां हमारे चारों तरफ इस देश के अन्दर हैं उन स्थितियों को देखते हुए मैं नहीं समझता कि कोई भी समझदार आदमी यह कह सकता है कि इस बिल का पास किया जाना, इस एक्ट की अवधि बढ़ाया जाना किसी तरह से भी प्रोचितपूर्ण नहीं है। मैं देखता हूं कि 47-48 के पश्चात इस देश में जो हवा थी उस हवा में शांति और व्यवस्था की बात कुछ मजबूत हो गई थी लेकिन इन दो वर्षों के अन्दर जो अशांति और जो बदतमीजी के बादल घेर उधर उमड़े हैं उन्हें देखते हुए मैं कहता हूं कि अगर 50-60 में इस बिल की आवश्यकता थी तो आज तो और ज्यादा आवश्यकता है। यह नहीं है कि इस तरह के कानून का दुलारा नहीं होना चाहिए। यह निश्चित है कि इस तरह के कानून का उपयोग किसी दल, किसी राजनीतिक पार्टी को बनाने के लिए नहीं होना चाहिए। इस बिल का मशा भी यह नहीं है। यह बिल तो उन घराजकतावादी तत्वों को दबाना चाहता है, इर्रिडिकेट करना चाहता है। उन्हें इस देश से जो कि जगह जगह तोड़फोड़ का वातावरण निर्मित करते हैं, जो कि अशांति चुपके चुपके फैलाना चाहते हैं, जो कभी विधायियों में घस जाते हैं और उनके विभाग में कोई अनपेक्षित बात डालकर उन्हें उन्नेजित कर देते हैं, जो कभी धर्म के, शांतिप्रिय लोगों के बीच में घस जाते हैं और तोड़फोड़ के काम कर गजरते हैं। मैं समझता हूं कि यह बहुत आवश्यक है कि इस तरह के तत्वों से देश को सुरक्षित रखने के लिए यह मजबूती का कदम उठाया जाय।

इस बिल की चर्चा के दरमियान में कांग्रेस दफ्तर तक की बात कही गई। एक आदमी की बात का बहुत बहुत जिक्र किया गया। बाहर के तत्वों का इस देश में इस तरह घस जाना और कांग्रेस दफ्तर तक में पहुंच जाना तो इस बात की जरूरत की

[श्री उवा० प्र० ज्योतिषी]

श्रीर जोरदार बतलाता है कि इस तरह का कानून हम बनायें जिससे कि इस तरह के इन्फिल्ट्रेटर्स, भ्रराजकतावादी और देशद्रोही तत्वों का दमन किया जा सके, उन्हें चेक किया जा सके और उन के ऊपर आवश्यक कार्यवाही की जा सके। तो मैं यह महसूस करता हूँ कि इस देश की स्थिति पिछले दस पन्द्रह वर्षों की अपेक्षा आज अधिक बिगड़ी हुई है। मैं जब रेलवे की दुर्यटनाओं को देखता हूँ या जब भ्रष्टाचार के क्षेत्र में लोगों की बेइंसाफी की कार्यवाहियों को देखता हूँ, होर्डिंग वगैरह की, तो यह समझता हूँ कि यह आवश्यक है कि शासन के हाथों को और अधिक मजबूत बनाया जाय। यह कानून अशान्तिवादी, बेइमान और भ्रराजकतावादी तत्वों के दमन के लिये है। इस लिये मैं इस का समर्थन करता हूँ।

चुनाव के दरमियान निश्चित रूप से यह किसी दल विशेष को दबाने के लिये नहीं, बल्कि देश में एक प्रच्छा वातावरण कायम रखने के लिये है ताकि कोई दल तोड़ फोड़ की कार्यवाहियों में दिलचस्पी ले कर एक स्वस्थ चुनाव को रोक न सके, इस दिशा में इस का उपयोग होगा, तो मैं उसे सदुपयोग मानूंगा। वह दुरुपयोग नहीं हो सकता। इस कानून में स्वयं ऐसी व्यवस्था है कि एक कमेटी के द्वारा रिवीजन होता है, जो हम बात को सफाई देती है कि इस कानून का दुरुपयोग न हो। मैं होम मिनिस्टर साहब का ध्यान इस और आकर्षित करूंगा कि वह देखें कि निश्चित रूप से कोई निरपराध व्यक्ति को इस कानून के शिकंजे में तकलीफ न उठानी पड़े।

मैं इस आज की स्थिति में जब कि पूर्व और पश्चिमी सीमाओं पर दुश्मन जमा हुआ है और अनेक भ्रराजकतावादी तथा देश में दूर-फूट फैलानेवाले द्रोही तत्व इधर उधर जिस तरह से कार्य कर रहे हैं, मैं इस कानून

की विशेष आवश्यकता समझता हूँ। मुझे भरोसा है कि सरकार इस तरह का आश्वासन लोगों को दे सकेगी कि इस का दुरुपयोग नहीं किया जायेगा और किसी दल विशेष के दमन के लिये नहीं, बल्कि देश में शान्ति और व्यवस्था बनाये रखने के लिये ही इसका उपयोग किया जायेगा।

इन विचारों के साथ मैं इन का समर्थन करता हूँ।

Shri C. K. Bhattacharyya (Raiganj):
Mr. Deputy-Speaker, Sir, I heard the two speeches, one by Shri Umanath and another by Shri S. M. Banerjee accusing the All-India Congress Committee, about the arrest of one characterised as a Pakistani spy. I believe they know or they should have known that a similar accusation was made against the AICC by Shri Surendranath Dwivedy in one of his speeches and the Secretary of Shri Dwivedy's party in Bengal published that speech in a book form and also broadcast it. The result has been that these persons who are under trial have brought two cases. One is pending in the High Court. This is contempt of court case. They wanted it processed against both Shri Dwivedy and the Secretary of his party, but the Judge allowed process against the Secretary and not against Shri Dwivedy because he may not be responsible for the publication of the speech. There is another case, the defamation case, in the criminal court on the same count. So, when they refer to such things I believe they should have paid some respect for the court processes on the same charges that they made and on which these two cases have been brought, one in the High Court for contempt of court and another in the criminal court for defamation. I do not understand why they ignore these processes and go on making references at random on charges which have not been proved.

Another accusation they made against the Government was that the Government went on running its administration on bullets and all sorts of objectionable methods. At the same time, they paid compliment to the judiciary saying that all the hope is pinned on the judiciary. At least that compliment ought to be paid to this Government, that the Government has at least set up such a judiciary which does not hesitate to put down what it thinks are wrong processes of the Government or whenever it feels that the Government has erred in any matter. This judiciary is set up by the same administration which is answerable to this Parliament and runs this Government. I do not understand why when they condemn this Government they do not admit this much that the Government has at least set up such a judiciary of impartiality which is beyond doubt even according to them.

Shri Nambiar (Tiruchirapalli): We want that that benefit must at least be given to the accused. We do not mean that everything is pucca there. At least that benefit must be given. Even without that, even without a reference to the court, why do they arrest us and put us in jail for long periods?

Shri C. K. Bhattacharyya: I have done nothing except requesting my hon. friends to be respectful to the judiciary which they characterise as impartial. I have done nothing more than that. That should not have brought my hon. friend, Shri Nambiar on his legs.

There is a complaint that this Bill can be used against political parties. That is also not based on reason. As things appear at present, there is no political party in India which can pose a threat to this Government or the party that runs this Government. The party concerned can defeat the other political parties in the open ground of competition by appealing to the people. Why should they resort to extraordinary laws in dealing

with other political parties? Why should that suspicion be in their mind regarding this Bill? I would request my hon. friends to check up and they will find that even the Press of the country has had occasion to demand that this law should be applied to certain sections of people. Editorials have appeared in papers demanding that this Preventive Detention Act should be applied against certain categories of people and certain types of characters. Even for that this provision is necessary. Its necessity is not contested by anybody.

But the question is, my friends doubt whether its application is properly guided or not. In that matter, I believe, they may rest content by depending on the Home Ministry and the Government of India who run this administration. So far as I am concerned, in deference to the wishes of my hon. friends who have criticised the Bill and who have expressed their suspicion about the objects with which this Bill is being taken through the Parliament, I request the hon. Home Minister to make it a point and to impress it upon the State Governments that in any case in which the provisions of this Bill are brought into effect the Minister must himself check up and it should not be left to the local police officer to report and on that report steps to be taken. Even when it passes through the highest administrative machinery it still remains to be checked up by the Minister. This is an extreme measure; there is no doubt about it. When it is applied, if it is checked up by the Minister in the first instance and then it goes to the Advisory Committee, I believe, any apprehension of misuse of this measure will be removed.

This provision may be necessary, particularly, in the border areas. In the border areas the police officers have to deal with very difficult things. But at times they get themselves entangled in things which are not proper for them. This is within my own experience. I know even honest

[Shri C. K. Bhattacharyya]

people suffer when they try to check the angularities and idiosyncrasies and other things of police officers who go wrong. I would like to make one suggestion to the Home Minister. In the areas on the Indo-Pakistan border these police officers who are posted should not be allowed to take root. It should be made a general rule that these officers should not be given a tenure for more than a year. If this is done, any apprehension of the misuse of this Bill on any count will be relieved to a large extent. I hope the Home Minister will kindly look to it. This measure is necessary under present circumstances. While he gets this measure through, let him also be guided by the experience that we have got of things happening in this country and things which require his attention and the attention of this Government.

श्री तुलसीदास जाधव (नांदेड़) :

उपाध्यक्ष महोदय, यह प्रिवेन्टिव डिटेन्शन ऐक्ट की अवधि बढ़ाने के लिये जो विधेयक सभा के सामने आया है उस को सपोर्ट करते हुए यह भी कहना पड़ता है कि देश के अन्दर इस कानून को बार बार लागू करने की गरज पड़े तो यह कोई बहुत ठीक बात नहीं है। लेकिन कई बातें ऐसी होती हैं जिन को करने की इच्छा दिल में न होते हुए देश के भले के लिये, मुख्यवस्था को रखने के लिये, अपनी ड्यूटी अवस्था धर्म समझ कर करना पड़ता है। इस कानून की मुद्दत एक्स्टेंड करने सम्बन्धी जो विधेयक आया है उस को देख कर मुझ को ऐसा ही लगता है।

यदि देखा जाये तो इस प्रिवेन्टिव डिटेन्शन ऐक्ट के नीचे 1.10.63 से 30.9.66 तक के जो आर्कॉर्ड दिये गये हैं उन से पता चलेगा कि कुल 586 लोगों को पकड़ा गया है। 516 फार बायोलैन्ट ऐक्टिविटीज, 65 फार गुंडाईज्म और 5 फार द्वारबर्गि ब्यायेट्स। बायोलैन्ट ऐक्टिविटीज के लिये जो 516 लोग पकड़े गये हैं उनमें से 120 तो बिहार

के हैं और 318 वेस्ट बंगाल में। इन दोनों प्रान्तों में ही ज्यादा से ज्यादा बायोलैन्ट ऐक्टिविटीज हुई हैं। इस के माने यह भी हो सकते हैं कि इन दो प्रान्तों में गरीबी ज्यादा है, बेरोजगारी है, भुखमरी है। और जो लोग इसका ऐडवाण्टेज लेना चाहते हैं उन को सहूलियत होती है। यह हमारी होम मिनिस्ट्री का काम है कि वह ला एंड ब्रांडर देश में रखे, सरकार के जो दूसरे डिपार्टमेंट्स होते हैं उन का भी फर्ज हो जाता है कि यहां पर ऐसी स्थिति न रहे जिस से बायोलैन्ट ऐक्टिविटीज को बढ़ाने वाला जो एलिमेंट उसको सहायता मिले।

इस के बाद यह देखिये कि मम्बर आफ पर्सनल डिटेन्ड फार रीजन्स कनेक्टेड विथ सेक्शन 3 (1) (ए) अर्थात् मेन्टेनेन्स आफ सप्लाइज एंड सर्विसेज एसेन्शियल टू वि कन्यूनिटी, 72 हैं 1586 लोगों में से 72 लोग इस तरह के कामों में पकड़े गये हैं जैसा कि ब्लैक मार्केटिंग है, या एसेन्शियल सप्लाइज में कम ज्यादा करने की बात है। सब पूछा जाय तो यह बायोलैन्स से भी ज्यादा खतरनाक चीज है, अगर इस में गरीब लोगों के मरने का कारण हो जाता है। कल अखबार में एक बड़ी फोटो आई यू० पी० की कि एक बच्चा रोता है और उस का बाप मरण शैया पर पड़ा है। उस को देखकर किसी भी इन्सान का दिल हिले बगैर नहीं रहेगा। ऐसी स्थिति में जो लोग भ्रष्टाचार करते हैं, ब्लैक मार्केट करते हैं या प्राइसेज बढ़ाते हैं, उन के ऊपर भी इस कानून का ज्यादा से ज्यादा इस्तेमाल होना चाहिये।

दूसरी बात यह है कि सरकार की दृष्टि से देशवारियों के लिये, चाहे वह किसी भी पार्टी के हों, एक जरूरी चीज है। जब हम ने कांस्टीट्यूशनली तय कर लिया है कि डिमांड्स से ही कोई चीज बदलनी है तो लोगों को समझाना है, कोई

असेम्बली हो, कोई कौन्सिल हो, पार्लियामेंट हो, पब्लिक मीटिंग हो, कि आपस में विचार कर के ही कोई चीज करेंगे। हम लोगों को समझाये। अगर न समझें तो ज्यादा से ज्यादा मैजस्ट्री अपने साथ करें। तब भी न हो तो दूसरे रास्ते हो सकते हैं जैसे उपवास होता है, इम्मोलेशन होता है, जैसे कि वियतनाम में हुआ, लेकिन उस से आगे जा कर हिंसात्मक चीज करने से कोई चीज बदलती नहीं है। यह दुनिया का इतिहास है। रूस ने 1917 में रिवोल्यूशन किया, वह रूस भी आज इस रास्ते पर आया है कि हिंसा में काम नहीं चलता दुनिया में। आज कोई भी पार्टी हो, छोटी या बड़ी, चाहे कैपिटलिस्ट हो या समाजवादी, वह इसी रास्ते पर आती है, और हमारे जैसे पार्लियामेंट के मेम्बर, असेम्बली के मेम्बर, या पार्टी का जो प्रोग्राम है वह भी इसी रास्ते से चलता है कि अगर कोई चीज करनी है तो वह हिंसा से न बदले, यह हमको देखना है।

आज देश में जो कई तरह की चीजें चलती हैं उन को देख कर बड़ा दुःख होता है। वह बड़ी खतरनाक चीजें हैं और आम जनता को उन को सुलझाने में, विचार करने में, बड़ी तकलीफ होती है। क्योंकि जानकार, लोगों के सामने जाने वाले और लोगों के सामने जा कर समझाने वाले लोगों की जब ऐसी प्रवृत्ति होती है तब लोगों के मन में यह विचार होता है कि आखिर सच्ची चीज कौन सी है। मैं उदाहरण के लिये बतलाता हूँ कि जब रेलों के ऐक्सिडेंट होते हैं तो पुराने समय में उन के लिये कानून जैसी चीज नहीं थी, कोई लेजिस्लेचर नहीं था, कोई समझाने वाला नहीं था कि आपस में मार पीट करना, लूटना या इस तरह की प्रवृत्ति रखना कोई अच्छी चीज नहीं है। लेकिन आज कल तो ऐसी बात नहीं है। आज कल तो इस को बतलाने वाले लोग मौजूद हैं। इसी तरह से 7 तारीख को यहां जो

चीज हुई उस से मुझ को बड़ा रंज हुआ जब मैंने सुना कि जिन लोगों का दिल इस दुनिया में लिप्त नहीं है, जो दुनिया से डिटेन्ड लोग हैं, जिन को दुनिया के लिये कोई घाट-चमैन्ट नहीं है ऐसे साधू सन्तों का उपयोग यहां पर किया गया। साधू गन्तों का यह कहना कि गोवध बन्द हो, तो समझ में आ सकता है, वह मोर्चा निकालें, डेलिगेशन लेकर आये यह सब भी ठीक है, लेकिन इस से आगे जा कर बिना कपड़े पहने हुए साधुओं का मोटर आदि जलाना, नंगे लोगों का यहां आना और प्राइम मिनिस्टर के बंगले पर जा कर उन के सामने प्रदर्श करना, इस से मुझे बड़ा दुःख हुआ। दुनिया के अन्दर डिमाक्रेसी के अन्दर ऐसी कोई चीज कभी नहीं हुई। अक्सर पढ़ने से तो मुझे ऐसा लगता है कि दुनिया हम पर हंसती है। इस लिये जहां पर भी हो सके इस तरह की चीजों को रोकना हमारा काम है।

हमारे यहां आज कल हवा ठीक नहीं है। जितनी भी कार्यवाहियां आज हो रही हैं, कहीं पर भी कोई झगड़ा होता है तो हमारा कानून है कि हम समझा कर लोगों को शान्त करें। लेकिन मैं ने देखा कि आज जो जनता के नुमाइन्दे अपने को कहते हैं, हिन्दुस्तान के पार्लियामेंट के सदस्य, हिन्दुस्तान की डिमाक्रेसी के मन्दिर के नुमाइन्दे भी जा कर मैमूर में रेलों पर बैठ कर गाड़ियों को रोकते हैं। जब उनके फोटो आते हैं तो हम को भ्रम होता है कि आखिर आज क्या चीज चल रही है। आन्ध्र में पिछले दिनों जो हुआ उस की मेरिट्स में मैं नहीं जाना चाहता कि देना चाहिये या नहीं, लेकिन जो रास्ता अपनाया गया है वह ठीक है या नहीं, यह सोचने की चीज है। एक प्लान्ट नहीं मिला, तो ठीक है, यहां वहां के प्रतिनिधि हैं, वह विचार करेंगे। मैं ने पिछले पांच सालों में ऐसा कहीं नहीं देखा। सरकार किंवा भा पार्टी की हो, कोई पार्टी सत्ता में आ जाये

[श्री तुलशीदास जाधव]

लेकिन काम तो धीरे धीरे ही हो सकता है। जब से हमें डिमांड्रेसी मिली है तब से मैं ने नहीं देखा कि किसी बात के लिये कहा गया है और वह हुआ न हो। सरकार के उस के करने में देर लगनी है, कहने में वह हिच-किचानी है, लेकिन कोई चीज नहीं होती है, ऐसी बात नहीं है। मगर आज कल जो हवा बह रही है उस तरह से काम करना ठीक नहीं है।

आखिर में मुझे एक बात और कहनी है देश की हवा के बारे में। लोग कामराज के मकान की ओर चले जायें और गड़बड़ी करे यह ठीक नहीं है। यह चीज मृनने में आती है, कई माननीय सदस्यों ने कहा कि उन को खत्म कर देने का विचार किया गया। यह कांस्टीट्यूशन की बात नहीं है।

रेबोल्यूशन का कही पता नहीं है केप्रास कहेंगे तो केग्राम भी नहीं है। होता यह है कि इंडिविजुअल के दिल में जो चीज होती है, जो ड्रेष होता है, जो ट्रेटरेड होती है वह काम करती है। लेकिन आप देखेंगे कि दुनिया में किसी का इस तरह से राज नहीं मिला है। ऐसी चीज होती है तो हैरानी होती है, दिल का परेशानी होती है। ऐसी चीजें न हों इसके लिए हम को प्रयत्न करना चाहिये।

देश में जो यह हवा है वह ठीक नहीं है। हम सबका धर्म है कि हम ऐसी हवा पैदा न हानें दें। गांधी जी का खून होने के एक बरस पहले से कई अखबारों में ऐसी चीजें आती थी और खुल्लम खुल्ला चलता था देश में कि गांधी जी को खत्म किया जाए। ऐसा मालूम होता था कि यही एक शब्द लेने का रह गया है। अभी भी वही हवा है। साधू संत जब कमंडलों में पैट्रोल रखते हैं तथा और कई चीजें रखते हैं तो मेरी समझ में नहीं आता है कि किस तरह से इस चीज का रोका जा सकता है। इससे सरकार की भी क्या गलती है। लोगों की भी क्या गलती है इस के साथ देखने वाली

बात यह है कि इस कानून का दुरुपयोग न हो। इस कानून का इस्तेमाल किसी पर अन्याय करने के लिये आप न करें। जो निरपराधी लोग हैं उन के खिलाफ इसका उपयोग न करें। सरकार ने प्रकाशन के तौर पर विद्यार्थियों तथा दूसरों को पकड़ लिया था। मैं चाहता हूं कि इस तरह हमेशा आपको प्रकाशज लेनी चाहिये, ऐसी प्रकाशन लेने को आपको सदैव तैयार रहना चाहिये। मुझे यह कहते हुए बड़े आनन्द का अनुभव होता है कि जो वर्तमान गृह मंत्री हैं श्री चट्टाण महाराष्ट्र में उनकी श्वाति इस प्रकार की है कि वह हमेशा समझा बुझा के काम लेना चाहते हैं और जब परसुएशन से काम नहीं चलता है और बिल्कुल जब धर्म संकट उनके सामने आ जाता है तब आखिर में जा आखिरी हथियार है उसका इस्तेमाल करते हैं, उसको हाथ में लेते हैं। तो भी सदैव वह यही कांशिश करते हैं कि कानून का कभी भी दुरुपयोग न हो। यह जो उनकी प्रवृत्ति है, यह बहुत सुन्दर है। विद्यार्थियों के बारे में अभी जिस तरह से उन्होंने सिबुएशन को टैंकल किया उसके लिये वह धन्यवाद के पात्र हैं।

आखिरी चीज में यह कहना चाहता हूं कि देश में डेमोक्रेसी ठीक तरह से चले इसके लिए यह आवश्यक है कि जो चीजें मैंने कही हैं उनकी तरफ, सभी ध्यान दें और हम सब प्रजातंत्र को सफल बनाने की कांशिश करें और इस रीति से काम करें कि हिंसा को बढ़ावा न मिले।

Dr. L. M. Singhvi (Jodhpur): Mr. Deputy-Speaker, Sir, it is an unfortunate travesty of the Constitution that the Home Minister should claim that the preventive detention law is a normal piece of legislation. None of the hon. Home Minister's predecessors ever went so far as to claim that this is a normal piece of legislation.

The Minister of Home Affairs (Shri Y. B. Chavan): I had said that in a very limited sense.

Dr. L. M. Singhvi: I realise that. I suppose, Shri Chavan put it in the context of emergency legislation....

Shri Y. B. Chavan: Defence of India Act.

Dr. L. M. Singhvi: ...as contradistinguishing it with the legislation which is made not under the emergency powers given under the Constitution. But even so, at no time should the concept of normalcy characterize preventive detention legislation in the minds of Government because this can be a very dangerous situation in the country.

As a matter of fact, this House knows that every single predecessor of the hon. Shri Chavan had prefaced this legislation with an apology and an assurance, and I hope that when the hon. Home Minister rises to reply we shall have both before this House, in the sense that we are all sorry that such legislation should even have to be brought on the statute book and renewed or given a fresh lease of life from time to time, and an assurance should always accompany such legislation that it would not be misused.

Some of the misgivings and apprehensions which have been articulated in this debate arise from the fact that election necessarily surcharges the atmosphere and there is sometimes a fear that it might be used in a political and a partisan way. I and some other hon. Members of this House and of the other House met only a few minutes ago in one of the committee rooms here to discuss the question of asserting the democratic rights of the people, particularly in the context of the coming elections. Not a little do we owe to the strong image of a stable democracy that this country has been able to project abroad and if any damage is done to this image at any time, it would harm the national interests of this country in a very long-range way. Therefore, even if there has to be preventive detention it must always be accompanied with a sincere and an effective assurance

that at no time would this be allowed to become a normal part of the statute book.

The law of preventive detention in this country was born at a time when there were manifold threats to the security of the nation. One does not know whether that kind of threat exists today, but if such an internal threat does exist, as the hon. Home Minister claims—and we can only base our conclusions on his appreciation of the situation—then I would say that it has not always been properly and fully used. There is a claim being made that there are anti-national activities going on. Why are they not unearthed and dealt with severely? That is where the apprehension arises.

The other side of the picture is that of arrest of political leaders. Even a move at this time, in the context of the elections, to ban this or that group, whether on the basis of political considerations or other considerations, leads to the apprehensions and the misgivings that perhaps an effort might be made under the cloak of legality to interfere with the democratic rights of the people.

We are all interested in saving democracy because democracy has become a way of life for us; and to vindicate democratic rights in this country, to safeguard and to preserve them should be the concern of each and everyone. I would like, therefore, that the hon. Home Minister should give a detailed apprehension of the situation, as it obtains and which, according to him, necessitates the continuance of the preventive detention law on the statute book of this country.

You are aware, Mr. Deputy-Speaker, that the International Commission of Jurists found that the existence of the preventive detention law detracts from the constitutional framework in which we have enshrined fundamental rights and basic

[Dr. L. M. Sinbhuvi]

civil liberties. You are aware that this has been adversely commented upon in many other countries of the world where democratic liberties are cherished and where we are greatly respected because of the constitutional system we have adopted. It is not merely to respond to the wishes of various countries elsewhere but to the democratic sentiment in this country that a fuller justification should be available to this country at large for the continuance of the preventive detention law on the statute book.

The Supreme Court, it is true, has held that preventive detention law is not *ultra vires* of the Constitution. The Supreme Court has held that certain safeguards have been provided in the Preventive Detention Act which save the liberties of the people from being eroded by the executive. I only wish that a fuller discussion of how preventive detention law has been used in this country is made available to Members of Parliament because we have heard here some very far-reaching complaints ranging from interference and interception of marital mail to something more serious, that is to say, interference with political lives. For example, we heard this morning Acharya Kripalani saying that his mail was being intercepted and tampered with. Even his letters to his wife, who happens to be the Chief Minister of one of our States, was intercepted. We had, at the same time, the testimony of Shri Umanath that three letters which his wife had addressed to him did not even reach him. On an earlier occasion Shri Samanta actually brought a Bill before this House saying that such tampering and interception should not be permitted to take place. This is a matter which goes very much further than we would normally allow ourselves to think, because after all under the garb of legality the essence of democracy cannot be allowed to be destroyed.

It is this that we must safeguard. It is this flame of democracy, democratic rights and basic civil liberties which must be safeguarded. It should be the endeavour of this House, as indeed of the hon. Home Minister, to see that the executive does not make any inroads into the democratic framework that we have given unto ourselves. It would, therefore, be expected of the hon. Home Minister, when he rises to reply to this debate, to give a fuller appreciation which in his opinion justifies the continuance of this very abnormal piece of legislation on our statute book as also the manner in which this legislation has been worked in the past, whether there is any substance in the complaints that have been made that in some cases the preventive detention law has been misused and abused if not by the Central Government certainly at the State level. If this abuse is allowed, then of course the essence of democracy would be adversely affected. If this abuse is allowed, then our democracy would be undermined. I rise to make this point particularly because I feel that if democratic rights are interfered with and particularly if free and fair, non-violent, elections are not held in this country, the image of this country would go down irretrievably. It is this image to which we are dedicated and we must all strive to protect it.

14 hrs.

Shri Y. B. Chavan: Mr. Deputy-Speaker, Sir, before I go to some of the points that the hon. Members have raised, I think, I owe an explanation to this hon. House about the term I used.

श्री हनुमन्त कृष्णराय (देवास)
श्रीमान् गृह मन्त्री जवाब देने के लिए खड़े
हैं और मदन में गणपूर्ति नहीं है। पहले
गणपूर्ति करवाइए, तब जवाब दिलवाइए।

Mr. Deputy-Speaker: The bell is being rung.....Now there is quorum.

Shri Y. B. Chavan: Before I try to deal with some of the points raised by the hon. Members who participated in this very important debate, I must at the outset explain one important aspect which has been referred to by the hon. Members in their speeches, namely, that I used the term 'normal law of the land' in connection with this particular Act. I must say that I used it in a very limited sense. If I had given the impression that I consider this to be a normal law which belongs to the statute for all time to come, I must say, I am sorry for that. That was not my intention. I was only trying to distinguish between the Defence of India Rules which are meant for Emergency and, as they were withdrawn, certain law which was essential to carry on the work and for the security of the country. It was only in that limited sense that I used the term 'normal law of the land'. The very fact that we are proposing to extend this particular Act for only a period of three years is a proof that we do not want to make it in that sense a normal law of the land.

Shri Nambiar: You have been extending it again and again. This is not the first time.

Shri Y. B. Chavan: I will come to that point later. I would like to assure the hon. House that I will be the happiest person when I will be able to come to this hon. House and say, this Act is no longer necessary for this country. Honestly, I wish I could have done that now. But I cannot do that with the sense of honesty, with the sense of responsibility, that one has to carry in the high office that is my privilege to hold today.

The hon. Member, Shri Masani, mentioned how Sardar Patel prefaced his remarks when he moved this Bill. We all share that feeling. No-

body, in that sense, is happy when one has to come with such a legislation for the approval of this hon. House. But the conditions that prevail in this country today have more justification for bringing such a legislation.

Shri Masani made another reference that Sardar Patel had given an assurance that in course of time, they will give some second thoughts to this Bill and make it more scientific. In the course of the last 16 years, both by the amendments that Government moved and as a result of certain case law, a series of amendments have been moved to this legislation, and if you compare the Bill as it was moved in 1950 and the Bill as it is moved today, or the Act as it is, you will find that there is substantial change in the content of the Act.

If you permit me, just for the sake of record, I would go into these details—all the hon. Members who have studied this law know it—and it is better that I mention some of the very important aspects of the changes that have come about in the structure of the Act and in the content of the Act. As a matter of fact, in the course of the first four years, from 1950 to 1954, some amending Bills were moved and a series of changes have come about.

In the first Bill, as it was moved, the advisory board exercised no veto power over the decision of the Government. The one important thing is that the advisory boards can exercise their veto today. If you look to the composition of the advisory boards, they consist of experienced judicial persons. Mr. Chatterjee made some fun of the advisory boards while criticising them. But from the statistics that are available to me I find that the persons released by the exercise of veto of the advisory boards is more in number than the persons released by the courts. Possibly, it may be a proof that the

[Shri Y. B. Chavan]

orders passed by the Government may be defective, may be wrong and all that. But the fact remains that the advisory boards did exercise their veto and this was an important change that was introduced in the later times. This is the most important change brought about in the Act.

Then, another important change which has come about is this. It was required that orders were to be submitted to the advisory boards only in those cases which involved a threat to the maintenance of essential services or supplies or foreigners detained with a view to making arrangements for expulsion from India, etc. But cases of persons detained for any other reason, for the defence of India, relationship with foreign countries, for the security of India or the maintenance of public order, were not to be referred to the advisory board formerly. Now, all the categories of cases are referred to it. This also shows the expansion and the scope of the exercise of the veto by the advisory boards.

Another thing is this. Well, that may look rather a minor thing. Formerly, the number of members was two and that number was increased from two to three. The idea was that if there was a tie between two members, the view of the advisory board had practically no effect. So, the number was increased from two to three. The idea was that there was a possibility of a majority decision in these matters.

The most important thing came as a result of the decision of the Supreme Court when section 14 of the Act was declared *ultra vires* and the right of judiciary going into the cases of detention and other facts was asserted by the Supreme Court, and as a result of which the amendments were introduced.

Then, the right of the detained person to be heard by the advisory board, if he wished that he should be personally heard, was also secured by another amendment.

I am only mentioning all these details to show that when it was thought in the beginning that we shall certainly in course of time bring about certain important changes in the Act, it was to make it more democratic or a more normal law, if hon. members may not like to object to the word 'normalcy' here. When these amendments were brought about, the idea was that the executive should not lightheartedly, superficially, tamper with the freedom and liberty of the individual citizens of the country. That is the fundamental approach in this particular thing whenever we think of bringing such an Act.

My hon. friend, Dr. Singhvi, said that I should deal with it in detail and justify why the Act is essential now. The hon. Member can just look around and see the conditions that prevail in the country today. It is not a matter of a very detailed study. If it was essential in 1950, it is perhaps more so in 1966. I wish it would not be necessary in 1968-69, so that further amendment of this Act, further expansion of the application of this Act may not be necessary. I wish that that does not arise. But for that we all will have to work very hard—to reach that stage. Unfortunately as I look around today, I do not see that these conditions prevail and it is precisely for this very reason that I have come forward to bring this amending Bill for the approval of this hon. House.

Going back again to some of the points that some hon. members made here, I was rather intrigued that Mr. Masani referred to this Act as a dictatorial Act, an Act which was, according to him, a challenge to democracy. He pleaded for the application of this Act—for making it more demo-

cratic in his sense—by outlawing some of the political parties.

Shri Nambiar: That is apart from this Act.

Shri Y. B. Chavan: I am replying to Mr. Masani's point.

Shri Nambiar: He wants a permanent ban on the Communist Party irrespective of the fact whether there is a Defence of India Act or not.

Shri Y. B. Chavan: What is the philosophy behind it?

Shri Nambiar: It is anti-communist.

Shri Y. B. Chavan: Whatever it is, what I am trying to aim at is not merely an Act, it is what is the attitude towards the problems of the country. Even this Act is not merely an Act in itself; it is, really speaking, meant to achieve something. What is that something? We do not want any particular ideology to be penalised or anybody's views to be penalised. It is only meant to prevent certain types of activities, certain types of situations. It is not meant against any particular political thought or any particular political ideology. Those who think that they can certainly in the name of democracy suppress an ideology, I wonder how they can think in terms of democracy. That was my only point.

Shri S. M. Banerjee: This has been used only against SSP and Communists.

Shri Y. B. Chavan: The point that I would like to make—because Mr. Banerjee has raised it again—is that according to the information that is made available—I can say with my hand on my conscience, on my heart—this Act was not used against any party as such in the course of the last 16 or 17 years.

Shri S. M. Banerjee: Party members.

Shri Y. B. Chavan: Some individuals belonging to some party or the

other came to be the targets or the victims of this Act. One can say so. But it was not meant or it was not used against any particular political party as such; it was not used against any ideology as such and it will not be used against any ideology or any political party. I would like to give the assurance with all the sincerity that I can command that this Act is not meant to penalise or suppress any particular political party or any particular ideology or any thought, political or otherwise, in this country.

My hon. friend, Mr. Indrajit Gupta, said that it was used against goondas, against certain political workers, but it was not used against any workers who are working on the basis of communal activities, etc., It is not true. If you just take the statistics of one year and then try to analyse it, then you will find that it is not true. I can give figures to show that in 1952-53 this Act was mostly used against those who were indulging in communal activities. The situation in the country changes from time to time. In 1952-53, there was a sort of communal riot; communal situations were becoming difficult to tackle. As I have said more than once in this hon. House, the atmosphere in the country today is full of violence and if this atmosphere of violence is going to threaten the security of the State, naturally this Act will have to be used and it will be used. I have no doubt in my mind about it. But it does not mean that it will be used against any particular party. I can give this assurance if it is needed. Even if it is not needed, I should volunteer this assurance, a very serious assurance and a solemn assurance that this Bill is not meant for any political purposes. That was the only point that I wanted to make. I do not want to go into the details of some of the cases that some hon. members have referred. One hon. member made a reference to some individual cases. I have not got all the facts to prove whether what he mentioned was right or wrong. One member made a mention about certain action taken in the State of Maharash-

[Shri Y. B. Chavan]

tra. Personally I have no knowledge of those particular cases. But certainly I have a desire to go into the details of those cases. Even though I have not got the cases, I will try to satisfy myself.

Shri S. M. Banerjee: Not only in Maharashtra but also in U.P.

Shri Y. B. Chavan: He made some reference to U.P. also and also about one case in Andaman. I have not got the facts of the case. But I know that in Andaman, the Government forces were to take certain action about the removal of certain unauthorised occupations. I do not think I should enter into those things, but it has something to do with them. Certainly I will go into that. I assure the hon. Member that it is my duty to do it. If certain facts are brought to the notice of the Government, we shall have to go into them and see that this Act is not used for the purposes for which it is not intended. That is, really speaking, the responsibility of the Government and I assure you and, through you, this House and the country that we will

certainly take care of this particular point that this Act will be rarely used and only used for those purposes for which it is really meant.

Mr. Deputy-Speaker: There are two amendments—one is by Mr. Banerjee and the other by Mr. Vishwanath Pandey. Is Mr. Banerjee pressing his amendment?

Shri S. M. Banerjee: Mine may be put to vote if Mr. Vishwanath Pandey's amendment is not put to the vote of the House.

Can I change the date to 2nd December?

Mr. Deputy-Speaker: I will put Mr. Vishwanath Pandey's amendment to the vote of the House.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd December, 1966."

Let the lobby be cleared.

The Lok Sabha divided:

Division No. 18]

AYES

[14.23 hrs.

Alvarez, Shri
Banerjee, Shri S. M.
Chatterjee, Shri N. C.
Dasaratha Deb, Shri
Gupta, Shri Indrajit
Gupta, Shri Kashi Ram
Himmatsinhji, Shri
Imbichibava, Shri
Kachhavaia, Shri Hukam Chand

Kokkar, Shri Gauri Shankar
Kunhan, Shri P.
Limaye, Shri Madhu
Manoharan, Shri
Murmu, Shri Sarker
Nair, Shri N. Sreekantan
Nair, Shri Vasudevan
Nambiar, Shri

Pandey, Shri Sarjoo
Raghavan, Shri A. V.
Ranga, Shri
Reddy, Shri Narasimha
Sezhayan, Shri
Singh, Shri Y. D.
Snatak, Shri Nardeo
Warior, Shri

NOES

Akkamma Devi, Shrimati
Barman, Shri P. C.
Bamappa, Shri
Bhargava, Shri M. B.
Bhattacharyya, Shri C. K.
Brajeshwar Prasad, Shri
Chanda, Shrimati Jyotana
Chandrabhan Singh, Dr.
Chandriki, Shri

Chaudhry, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Chavan, Shri Y. B.
Das, Shri B. K.
Das, Shri N. T.
Das, Shri Sudhanu
Das, Shri C.
Deshmukh, Shri Shivaji Rao S.
Deshmukh, Shrimati Vimlabai P.

Dhuleshwar Meena, Shri
Dorai, Shri Kasinatha
Elayaperumal, Shri
Gandhi Shri, V. B.
Heda, Shri
Jadhav, Shri Tulidas
Jyotishi, Shri J. P.
Kedaria, Shri C. M.
Kindar Lal, Shri

Kisan Veer, Shri
Kotokoi, Shri Liladhar
Lakshmikanthamma, Shrimati
Mandal, Dr. P.
Maniyangadan, Shri
Mantri, Shri D. D.
Mehrotra, Shri Brij Bihari
Mehta, Shri J. R.
Mehta, Shri Jaswant
Mengi, Shri Gopal Datt
Mishra, Shri Bibhuti
Misra, Shri Shyam Dhar
Mohanty, Shri Gokulananda
Murti, Shri M. S.
Naskar, Shri P. S.
Oza, Shri
Pandey, Shri Vishwa Nath
Panna Lal, Shri

Patel, Shri Chhotubhai
Patil Shri S. B.
Patil, Shri T. A.
Pratap Singh, Shri
Rajdeo Singh, Shri
Ram Sewak, Shri
Ramaswamy, Shri V. K.
Rane, Shri
Rao, Shri Jaganatha
Rao, Shri Ramapathi
Ray, Shrimati Renuka
Sadhu Ram, Shri
Saigal, Shri A. S.
Shankariya, Shri
Sharma, Shri K. C.
Shashi Rajan, Shri
Shastri, Shri Ramanand
Skeo Narain, Shri

Shinkre, Shri
Shukla, Shri Vidya Charan
Siddananappa, Shri
Siddheswar Pradsad, Shri
Singh, Dr. B. N.
Singh Shri D. N.
Singh, Shri S. T.
Sinha, Shrimati Ramdulari
Sinha, Shrimati Tarkeshwari,
Sinhayan Singh, Shri
Subramanyam, Shri T.
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Varma, Shri M. L.
Venkatasubbaiah, Shri P.
Verma, Shri K. K.
Virbhadra Singh, Shri

Mr. Deputy-Speaker: The result of the Division is:

Ayes : 25; Noes : 81.

The motion was negatived.

Mr. Deputy-Speaker: Now, Shri S. M. Banerjee's amendment . . .

Shri S. M. Banerjee: I want the date to be changed from the 30th November to the 2nd December, 1966. I want to change the date because there has been delay in the taking up of this Bill.

Mr. Deputy-Speaker: Shri Vishwanath Pandey's amendment with 2nd December, 1966 is already there and it has been put to vote and it has been lost already. So, Shri S. M. Banerjee's amendment is barred.

The question is:

"That the Bill to continue the Preventive Detention Act, 1950 for a further period, be taken into consideration."

The Lobby has been cleared already.

The Lok Sabha divided:

Division No. 19]

AYES

]14.25 hrs.

Akkamma Devi, Shrimati
Aney, Dr. M. S.
Barman, Shri P. C.
Basappa, Shri
Bhargava, Shri M. B.
Bhattacharyya, Shri C. K.
Brajeshwar Prasad, Shri
Chandrabhan Singh, Dr.
Chandriki Shri
Chaudhury, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Chavan, Shri Y. B.
Das, Shri B. K.
Das, Shri N. T.
Das, Shri Sudhanu
Das, Shri C.
Dashmukh, Smt. Vimal
Dhuleshwar Meena, Shri
Dorai, Shri Kasinatha

Elayaperumal, Shri
Gandhi, Shri V. B.
Heda, Shri
Jadhav, Shri Tulsiadas
Jyotishi, Shri J. P.
Kedaria, Shri C. M.
Kindar Lal, Shri
Kisan Veer, Shri
Kotoki, Shri Liladhar
Lakshmikanthamma, Shrimati
Mandal Dr. P.
Maniyangadan, Shri
Mantri, Shri D. D.
Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Mengi, Shri Gopal Datt
Mishra, Shri Bibhuti
Misra, Shri Shyam Dhar
Murti, Shri M. S.

Naskar, Shri P. S.
Oza, Shri
Pandey, Shri Vishwa Nath
Panna Lal, Shri
Patel, Shri Chhotubhai
Patil, Shri S. B.
Patil, Shri T. A.
Pratap Singh, Shri
Rajdeo Singh, Shri
Ram Sewak, Shri
Ramaswamy, Shri V. K.
Rane, Shri
Rao, Shri Jaganatha
Rao, Shri Ramapathi
Ray, Shrimati Renuka
Sadhu Ram, Shri
Saigal, Shri A. S.
Shankariya, Shri
Shashi Rajan, Shri

Shastri, Shri Ramanand
Sheo Narain, Shri
Shinkre, Shri
Shukla, Shri Vidya Charan
Siddananjappa, Shri
Sitheshwar Prasad, Shri

Singh, Dr. B. N.
Singh, Shri D. N.
Singh, Shri S. T.
Sinha, Shrimati Ramdulari
Sinha, Shrimati Tarkeshwari
Sinha Singh, Shri
Snatak, Shri Nardeo

Subramanyam, Shri T.
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Varma, Shri M. L.
Venkatasubbaiah, Shri P.
Virbhadra Singh, Shri

NOES

Alvares, Shri
Banerjee, Shri S. M.
Chanda, Shrimati Jyotsna
Chatterjee, Shri N. C.
Dasaratha, Deo, Shri
Deshmukh, Shri Shivaji Rao, S.
Gupta, Shri Indrajit
Gupta, Shri Kashi Ram
Himmatsinhji, Shri
Imbichibava, Shri

Kachhavaia, Shri Hukam Chand
Kakkar, Shri Gauri Shankar
Kunhan, Shri P.
Limaye, Shri Madhu
Manoharan, Shri
Murmu, Shri Sarkar
Nair, Shri N. Sreekantan
Nari, Shri Vasudevan
Nambiar, Shri

Pandey, Shri Sarjoo
Pottekkatt, Shri
Raghavan, Shri A. V.
Ranga, Shri
Reddy, Shri Narasimha
Samanta, Shri S. C.
Sezhiyan, Shri
Singh, Shri Y. D.
Warior, Shri

Shri Shivaji Rao S. Deshmukh (Parbhani): My vote has been wrongly recorded. I wanted to vote for 'Noes'. The machine has failed.

Shrimati Jyotsna Chanda (Cachar): I wanted to vote for "Ayes".

Shri Alvares (Panjim): Shivaji has rebelled against the Congress!

Mr. Deputy-Speaker: The result of the division is as follows:

Ayes : 77; Noes : 28.

The motion was adopted.

Mr. Deputy-Speaker: Now, we shall take up the clauses. There are two amendments, one in the name of Shri Yashpal Singh and another in the name of Shri Bakar Ali Mirza. Both the Members are not present here to move them.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting formula and the Title were added to the Bill.

Shri Y. B. Chavan: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed".

Shri Ranga (Chittoor): I am sorry to learn, and I speak subject to correction, that the Home Minister has gone on record as having said that it is not unnatural for a measure like this to be on the statute-book. If he had been reported correctly...

Shri Y. B. Chavan: I had explained that point in my reply.

Shri Ranga: I am rather shocked at this expression coming from the Home Minister that it is not unnatural.

Even at the time this measure was being proposed in this House, it was contested by so many of us; though quite a number of us were then on the Congress side, we did not want this measure at all and we did not want this Act. But, nevertheless, Government wanted a legislation like this. Then, a compromise was reached that it would not be a permanent law but it would always be kept as a kind of provisional or temporary law for a limited period, and as and when the conditions in the country were such that Government found it necessary and Parliament agreed that this law should be extended, it should be ex-

tended, otherwise it should automatically lapse. That is the reason why this Bill has come up before this House. In spite of the opposition that we have offered from this side of the House, Government would be able to get the necessary votes for this Bill in order to extend it for the next one or two years. But I want them to keep it clearly in mind that this measure is not to be a permanent one and that it is not natural for a democracy like ours to have a law like this and to entrust Government with this kind of drastic, unwanted and undemocratic power and arbitrary power too, and, therefore, Government should always be prepared to come forward before this House, if possible, to drop this law itself even during the period for which it is now being extended, and certainly whenever they find it possible they should think of dropping it completely and abstain from asking for its extension.

We are quite clear in our mind, although it is going to be passed now and although these assurances are being given that it would not be misused, and it would certainly not be used against political opponents and that too during the elections and so on, it is not easy for the people to accept these assurances and assertions from Government, and in the light of what has happened during the period for which this measure has been on the statute-book, it is not possible for us to have too much faith in Government.

Therefore, I sincerely hope that at the end of the next elections, a different political dispensation would come to be vouchsafed to our people and to our Parliament, and it would be possible to repeal this undemocratic and infamous legislation.

श्री सरजू पाण्डे (रसेड़ा) : उपाध्यक्ष महोदय, यह दुर्भाग्य की बात है कि इस सदन में यह बिल धाया। सरकार की तरफ से बराबर इस बात का प्रयत्न किया जा रहा

है कि इस बिल को कायम रखा जाए, इस कानून को कायम रखा जाए। हमारे गृह मंत्री जी ने अपने भाषण में यह कहा था कि यह जो कानून है यह संविधान विहित है। हमारा खयाल यह है कि देश के अन्दर यह एक ऐसा कानून है जिस को कानून की संज्ञा नहीं दी जा सकती है, जोकि कानून की श्रेणी में नहीं आता है। इसका बराबर इस्तेमाल कांग्रेस दल की ओर से विरोधियों को दबाने के लिए किया जाता है। हमेशा ही इसका प्रयोग इस तरह से किया जाता है।

अभी माननीय सदस्यों ने लिस्ट पढ़ कर सुनवाई है कि इस में कितने लोगों को पकड़ा गया है। इस कानून के द्वारा सरकार मामूली पुलिस कांस्टेबल को इस बात का अधिकार देती है कि वे विरोधियों को पकड़ कर गलत चाजिज में जेलों में बन्द कर सकते हैं। इस तरह से आप संविधान की उस धारा को तोड़ते हैं जिस के अन्दर इस बात का उल्लेख है कि देश का प्रत्येक नागरिक कानून की नजर में समान है। इस देश में उन लोगों को जोकि तमाम तरह के अपराध करते हैं इस बात का मौका तो दिया जाता है कि वे अपनी सफाई पेश करें लेकिन इस संकट के अन्दर जो लोग पकड़े जाते हैं उनको आप यह अधिकार तक नहीं देते हैं कि वे वकील रख सकें। जब इतनी तक व्यवस्था आप नहीं करते हैं और पुलिस को और सी० आई० डी० को आप गलत आरोपों में लोगों को पकड़ कर बन्द करने का अधिकार देते हैं तो इसको किस तरह से आप न्यायोचित कह सकते हैं? मैं आपको अपनी मिमाल बतलाना चाहता हूँ। मुझे खुद को उज्जों के सामने पेश किया गया। मैंने उन से पूछा कि मुझे चाज बताया जाए। अब एक प्राध रेफ्रेन्स दिया गया जिस में लिखा गया था कि सरजू पाण्डे ने कहा कि पटवारी को गोली मार दो जो बिल्कुल झूठ और गलत बात थी। इस तरह से मधारण श्रेणी के

[श्री सरजू पाण्डेय]

लोगों को और कलक्टर जो सैटिसफाई हो जाता है, पकड़ने का अधिकार दिया जाना है तो इस कानून का दुरुपयोग होने के सिवाय और क्या हो सकता है ? कलक्टर के भ्रष्टाचार के खिलाफ बोले, एम० पी० के भ्रष्टाचार के खिलाफ बोले और मंत्रियों के भ्रष्टाचार के खिलाफ बोले तो हमारे ऊपर यह प्रिबेन्टिव डिटेंशन एक्ट लागू हो जाता है। मैं गम्भीरता के साथ कहना चाहता हूँ कि आप के पास बहुत से कानून हैं जिस के अन्दर आप लोगों को पकड़ कर सजायें दिला सकते हैं और इस कानून की कोई जरूरत नहीं है। इसकी जरूरत तभी महसूस की जाती है कि जब शासक पार्टी अपने हितों में इसका इस्तेमाल करना चाहती है। हमारे गृह-मंत्री जी नए आए हैं। उनको तो मिमाल पेश करनी चाहिये थी। आप मुल्क के सामने कि बिना इस एक्ट को रखते हुए भी यह अमानिजिक तत्वों को बन्द कर सकते हैं उनके विरुद्ध कार्रवाई कर सकते हैं। खुद सरकार को ज्यूडिशरी पर, अपने न्यायालयों पर यकीन नहीं है, इसलिए वह ऐसे रद्दी कानून सदन में लाती है जिनके कारण वह न्यायालयों के हाथ बांधती है। यह प्रजातंत्र के लिए एक कलंक स्वरूप है। मैं मंत्री महोदय से प्रार्थना करना चाहता हूँ कि वह इसको वापिस ले लें।

श्री मधु लिमये (मुगेर) : गृह-मंत्री जी ने जो जवाब का भाषण किया वह इतना निर्जीव था कि उससे पता चलता है कि वह खुद सोचते हैं कि यह जो विधेयक वह हमारे सामने रख रहे हैं यह केवल अपना कर्तव्य निभाने के लिए रख रहे हैं और उनका दिल इस में नहीं है। उन्होंने आश्वासन दिया है कि किसी विचारधारा के खिलाफ या किसी दल के खिलाफ इस अधिकार का इस्तेमाल नहीं किया जाएगा (इंटरप्लान्ज) क्या आप चाहते हैं कि किया जाए ? क्या धारा को किसी कानून से समाप्त नहीं

किया जा सकता है। लेकिन इन्होंने यह कहा है कि किसी विचारधारा को या दल को खत्म करने के लिए इस अधिकार का इस्तेमाल नहीं किया जाएगा। लेकिन मैं गृह-मंत्री जी को बताना चाहता हूँ कि इस कानून में राज्य सरकारों को भी अधिकार दिये जा रहे हैं और राज्य सरकारें इन अधिकारों का कैसे इस्तेमाल करेंगी इसके बारे में उनके आश्वासन का कोई मतलब नहीं है। अभी अम्रः दिल्ली में एक घटना हुई है। अठारह तारीख को जो मोर्चा लगना था उस को ले कर जिन लोगों को गिरफ्तार किया गया था उन में कुछ उत्तर प्रदेश के छात्र नेता भी थे। उनको छोड़ने का फैसला केन्द्रीय सरकार ने किया। जब ये छात्र नेता बाहर आए तो तो उन छात्रों को उत्तर प्रदेश की सरकार ने इस काले कानून के मातहत गिरफ्तार कर लिया। दिल्ली की सरकार सोचती है कि छात्रों को छोड़ा जा सकता है, उन से भारत की सुरक्षा को कोई खतरा नहीं है लेकिन उत्तर प्रदेश की सरकार इसी कानून के मातहत उनको गिरफ्तार करती है। मैं गृह-मंत्री जी से पूछना चाहता हूँ कि आपके आश्वासन का क्या मतलब रह जाता है कि इसका दुरुपयोग नहीं किया जाएगा। मैं उनसे कहूंगा कि देश पर अगर कोई विदेशी आक्रमण आया हो, लड़ाई की स्थिति हो तो हम समझ सकते हैं और कह सकते हैं कि इस तरह का अधिकार सरकार को होना चाहिये लेकिन उस समय भी मैं यह कहूंगा कि इसका इस्तेमाल बहुत सोच-समझ कर होना चाहिये। लेकिन इधर पंद्रह सालों से हमारे देश पर यह कलंक लगा हुआ है कि एक साधारण कानून के रूप में इस स्थानबद्धता के कानून को हमने मान लिया है।

मैं इस कानून का डट कर विरोध करता हूँ और जो अवधि बढ़ाने की बात है, उसकी की मुखातिफ करता हूँ और मंत्री

महोदय से प्रार्थना करता हूँ कि वह इस विधयक को तुरन्त वापिस ले ले ।

Shri N. C. Chatterjee: I have heard the hon. Minister with great attention, but I am sorry I am not convinced by the arguments he put forward. Periodical repetition of this kind of Bill is periodical condemnation of India's capacity for self-government and democratic government.

Why did we choose democracy? Because those who believe in democracy feel that certain inviolable rights shall not be violated if we accept the democratic framework. Those inviolable rights were enshrined in our Constitution, but they are being violated.

He did not meet the point I made. I had the privilege of being preventively detained in independent India, under the Preventive Detention Act. I told him, and I assured the House, that the so-called safeguards given by article 22(4) are a complete farce, absolute idle farce. What is the good of our being told that we have now got two or three members in the advisory board? The procedure is wholly wrong, destructive of the basic principles of the rule of law. You bring a man before the advisory board. He makes a statement. The detenu is taken away. The police officer then comes in and trots out charges and information behind the back of the detenu. Is that justice? Is that consistent with fairplay? Is that not repugnant to the basic principle of natural justice? Yet that is what is being done. Therefore, I was appealing to the hon. Minister. It is no good gloating over the fact that they have gone to the Supreme Court and the High Courts. He talked with great gusto and said that the Supreme Court has released so many offenders but the advisory boards have released many more detenues. The trouble is that when you go to the Supreme Court or the High Courts, you cannot challenge the correctness of any ground adduced. You shall have to take it as gospel truth. Suppose, as my hon. friend was saying, he did

not deliver that speech. He was not there. I could prove that certain detenues who were alleged to have made a speech in the town of Calcutta or in the town of Delhi were not there in these places and did not deliver the speeches attributed to them. But you cannot challenge it; you have to accept the ground adduced as gospel truth.

Therefore, this is an undemocratic practice which sets at naught fundamental principles of justice and cuts at the root of the rule of law. Therefore, I am appealing to him. Why prolong it for three years? What is the good of saying that 'we shall not make it permanent; we shall bring it up every third year and then prolong it for three years at a time'? It is much better you come forward and say that 'we have lost faith in democracy; we shall make it a permanent feature of the statute book and make it really normal' as he started by saying. He says: "I recognise that it is an abnormal law, I will never make it the normal law, I will make it for three years and then repeat it." I am saying that it is totally wrong. He could deal with the situation in Delhi on the great day of the anti-cow slaughter agitation without the Preventive Detention Act. Let him put forward arguments why the ordinary law does not suffice for the purpose. The ordinary law is perfectly sufficient to cope with the demonstration which took place on that day. He did not have to resort to this lawless law. Therefore what is the point? He is not putting forward any argument to show what there is in this law for meeting any difficult situation. Therefore, we are still opposing it, we are not convinced, and therefore we think it is our duty to oppose it, we feel that this Bill should not be on the statute-book.

Shri Shinkre (Marmagao): I want to say only a few words.

As I said earlier, I support the Bill and I will vote for it, because the state of affairs and the law and order

[Shri Shinkre]

situation in the country call for such a measure, but I have one clarification to seek.

Government have asked for an extension for three years. They ought to have been satisfied with an extension of only one year, because there is no question of binding the successor Government. If they are helpless and are unable to maintain law and order, why should they bind the successor Government also for the next two years? They could have been content with extension of only one year.

I do not think that the Home Minister required any arguments because the situation in the country is such that it is completely, plainly, in favour of such a measure being enacted. There are so many political parties and groups which oppose such Bills in the name of democracy, but they do not want democracy in reality, neither is there democracy in the countries where they seek inspiration from. They want democracy only here because they want to fight the established order every now and then.

Shri Nambiar: I may be given a chance to oppose.

Shri Y. B. Chavan: The hon. Members who spoke at this stage also practically repeated the same arguments, including Mr. Chatterjee. I never had the ambition of convincing some of the members who have convinced themselves against the Bill. As I said, really speaking, the basic factor on which the necessity of such an Act will have to be judged is the assessment of the present situation, whether there are conditions in the country where such powers to the executive are essential or not, are necessary or not. Arguments based on the democratic principle... (Interruptions)

श्री बागड़ी (हिमार): क्या जरूरत है?
107 में जा पकड़ सकते हो . . . (व्यवधान)

अरे, चुप रहो, हमको पकड़ता भी है और
गुरांता भी है। . . . (व्यवधान)
हाँ, तुम चले जाओगे तो पता लगेगा।

Mr. Deputy-Speaker: Order order. He cannot sit and talk like that.

Shri Y. B. Chavan: This is certainly a compromise with the situation. I have never claimed that this is an ideal Act, a very happy Act, I have never said that. But I was also trying to find out whether there were any arguments to convince me that this Act, however unhappy it is, was not necessary. That is a very common sense test.

Shri Nambiar: The ordinary law of the land is enough.

Shri Y. B. Chavan: I must say I have remained unconvinced by the arguments of the hon. Member. I have nothing more to say. At the same time, I would like to assure the House that when, really speaking, there is a situation in the country where such an Act is not necessary, this Government will have no hesitation to come to this House and say that it is no longer necessary, it should be scrapped.

श्री बागड़ी : आप का एतबार क्या है?
डिप्टी स्पीकर साहब, इनकी क्या तसल्ली
है ? 107 में एम० पी० को पकड़ लेते हैं
और जमानत तक तो लेते नहीं।

Mr. Deputy-Speaker: Order, order. You cannot sit and go on talking like this. I will have to ask you to go out if you repeat this.

The question is:

"That the Bill be passed."

The Lok Sabha divided:

Division No 20]

AYES

14.50 hrs.

Achal Singh, Shri
Achuthan, Shri
Akkamma Devi, Shrimati
Barman, Shri P. C.
Basappa, Shri
Bhargava, Shri M. B.
Bhattacharyya, Shri C. K.
Brajeshwar Prasad, Shri
Chakraverti Shri P. R.
Chandrabhan Singh, Dr.
Chandriki, Shri
Chattrar Singh, Shri
Chaudhry, Shri Chandramani Lal
Chavan, Shri Y. B.
Das, Shri B. K.
Das, Shri Sudhansu
Dass, Shri C.
Deshmukh, Shri Shivaji Rao S.
Deshmukh, Shrimati Vimlabai P.
Dhuleshwar Meena, Shri
Dorai, Shri Kasinatha
Dwivediy, Shri M. L.
Elayaperumal, Shri
Gandhi, Shri V. B.
Heda, Shri
Jadhav, Shri Tulsidas
Jedhe, Shri
Jyotishi, Shri J. P.
Kedaris, Shri C. M.
Kindar Lal, Shri

Kotoki, Shri Liladhar
Koujalgi, Shri H. V.
Lakshmikanthamma, Shrimati
Lalit Sen, Shri
Laskar, Shri N. R.
Mahida, Shri Narendra Singh
Malaichami Shri M.
Mandal, Dr. P.
Maniyangadan, Shri
Mantrik Shri D. D.
Matcharaju, Shri
Mehrotra, Shri Braj Bihari
Mehta, Shri Jashvant
Mishra, Shri Bibhuti
Misra, Shri Shyan Dhar
Murti, Shri M. S.
Naik, Shri D. J.
Naskar, Shri. P. S.
Niranjan Lal Shri
Pandey, Shri R. S.
Pandey, Shri Vishwa Nath
Panna Lal, Shri
Patel, Shri Chhotubhai
Patel, Shri Rajeshwar
Patil, Shri T. A.
Prabhakar, Shri Naval
Pratap Singh, Shri
Rejdeo Singh, Shri
Raju, Shri D. B.
Ram Sewak, Shri

Ram Swarup, Shri
Ramdhani Das, Shri
Rane, Shri
Rao, Shri Jagnatha
Rao, Shri Ramapathi
Ray, Shrimati Renuka
Saha, Dr. S. K.
Saigal, Shri A. S.
Shankaraiya, Shri
Shastri. Shri Ramanand
Shinkre, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddhananiappa, Shri
Siddiah, Shri
Singh, Shri D. N.
Singh, Shri S. T.
Sinha, Shrimati Ramudulari
Sinhaan Singh, Shri
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tyagi, Shri
Upadhyaya, Shri Shiva Dutt
Vaishya, Shri M. B.
Varma, Shri M. L.
Verma, Shri K. K.
Vidyalankar, Shri A. N.
Virbhadra Singh, Shri

NOES

Aney, Dr. M. S.
Bade, Shri
Bagri, Shri
Banerjee, Shri S. M.
Chatterjee, Shri N. C.
Dasartha Deb, Shri
Gupta, Shri Indrajit
Gupta, Shri Kashi Ram
Imbichava, Shri
Kabir, Shri Humayun
Kakkar, Shri Gauri Shankar

Kripalani, Shri J. B.
Kunhan, Shri P.
Limaye, Shri Madhu
Manoharan, Shri
Mate, Shri
Maurya, Shri
Murmu, Shri Sarkar
Nair, Shree N. Sreekanth
Nair, Shri Vasudevan
Nambiar, Shri

Pandey, Shri Sarjoo
Pottekkatt, Shri
Ranga, Shri
Somanta, Shri S. C.
Sethian, Shri
Singh, Shri Y. D.
Singhvi, Dr. L. M.
Swamy, Shri Sivamurthi
Utiya, Shri
Wazir Shri

Mr. Deputy-Speaker: The result of the division is:

Ayes*: 90; Noes: 31;

The motion was adopted.

Shri Vasudevan Nair (Ambala-puzha): As a protest we walk out.

(Shri Vasudevan Nair and some Hon. Members then left the House.)

श्री बागड़ी: इस वाले कानून के विरोध में हम सदन त्राग करते हैं। . . (व्यवधान)

(श्री बागड़ी सदन के बाहर चले गए।)

*Name of one Member under "Ayes" could not be recorded.