

LOK SABHA DEBATES Date.....27/12/54
(Part II—Proceedings other than Questions and Answers)

2409

LOK SABHA

Friday, 10th December, 1954

The Lok Sabha met at Eleven of the Clock,

[MR. DEPUTY-SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

PAPER LAID ON THE TABLE

NOTIFICATION UNDER SEA CUSTOMS ACT

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to lay on the Table a copy of the Customs Notification No. 115, dated the 2nd October, 1954, under sub-section (4) of section 43B of the Sea Customs Act, 1878 as inserted by the Sea Customs (Amendment) Act, 1953. [Placed in Library. See No. S-470/54.]

PREVENTIVE DETENTION (AMENDMENT) BILL—contd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Dr. Katju yesterday:

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

There are amendments also moved to that motion. They will also be taken into consideration along with the main motion.

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Shri A. K. Gopalan (Cannanore): Before speaking about the Act, I have to say that already petitions signed by 7,000 people have been submitted. I have here before me a petition signed by several thousands which I will be submitting before the Petitions Committee. I have also before me two petitions, from the lawyers of Bombay, about 75 of them, and from the lawyers of Calcutta, about 85. These petitions are here. The petitions show that they are all against extension of the Preventive Detention Act. I will be submitting these petitions. My amendment was that the Act should be circulated for eliciting public opinion. These petitions signed by different kinds of people show that the people want that the Preventive Detention Act should not be extended.

Yesterday I pointed out that the Preventive Detention Act, meant to keep persons without trial inside jail, had been before the country in one form or another from 1940 onwards. At that time, it was in the name of the Defence of India Act, the Public Safety Act or the Public Security Act. From 1950, that Act has been functioning as the Preventive Detention Act. Whether it is called the Preventive Detention Act or the Public Safety Act or the Defence of India Act, the purpose of the Act was to keep persons inside the jail without trial. In 1950 and 1951, when the Preventive Detention Act was placed before Parliament, if you look into the proceedings, you will find that the late Sardar Patel, and Shri Rajagopalachari had shown some kind of reluctance. They were apologetic and they said that they were sorry that the circumstances had made them to place such an Act before Par-

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liament, and ask Parliament to pass it.

[SHRI BARMAN in the Chair]

They said that it was only for one year and if the circumstances were better, it will not continue. Yesterday, the Home Minister, while placing the Bill before us, not only did not show the same kind of attitude that was there when the Home Ministers placed this Act before the House in 1950 and 1951, but also pooh-pooched the very idea of fundamental liberty. He said that there will be copy book speeches, and other things. We are very sorry that even the fundamental principles of liberty and other things had been pooh-pooched. His expressions while introducing this Bill were quite different from what they were in 1950 and 1951.

This Preventive Detention Act is a lawless Act. This law cuts across all the provisions with regard to fundamental rights, and provisions with regard to solemnity and sacredness of civil liberty and human rights. It makes the common law sterile. This Bill is an instrument of oppression and even of executive error.

I want to quote one para from a judgment given by the Chief Justice of the Supreme Court today. Justice Mahajan said: that no country in the world had a law like this, namely, the Preventive Detention Act, which keeps people confined without trial in times of peace. In fact a Government which requires such a law for governing in times of peace is not a civilised Government. If this had been said by us, it would have been said that it is a copy book recital or something like that. This is what the Chief Justice of the Supreme Court of India, the highest judicial tribunal in this country, said while dealing with the Preventive Detention Act, while locking into the grounds of detention and other things. What is the meaning of that? I do not want to quote the judgments of the other Judges of the Supreme Court and other High Courts.

They have said that the Preventive Detention Act should not be used in times of peace. There have been so many thousands of cases where the detenus were released because they found that on the grounds of detention also, they should not be detained. Not only that. While releasing the people, they also questioned the very principle of the Preventive Detention Act and said that in no civilised country in the world is such an Act used. This is not said by me or by the communists. It was said by the highest judicial tribunals in this country. It was said in 1952.

It is not creditable for a democratic Government to plead inability to govern the people by the ordinary laws. It is deplorable that the Government should fail to understand that democracy is indivisible and that authority cannot violate some of its fundamental principles and simultaneously proclaim its faith in the creed. Laws like the Preventive Detention Act are a gross negation of individual liberty and freedom of expression. It is no argument for invading democratic rights to plead that a particular democracy is still in the making. On the contrary, if faith in democracy is to grow, it becomes all the more necessary that democracy in both spirit and form of a cherished creed are observed. I shall come to that point later about the fundamental rights and under what circumstances they should be curtailed.

The next point that I have to make is this. The very people who were sufferers at the hands of a regime which resorted to detention without trial find it necessary to enact a measure of this description. We have not forgotten how, when the Rowlett Act was there, from one end of the country to another, we agitated against that Act. We thought that it was something that was against the liberty and rights of the people. There one argument against this: that is, the times have changed. The British power has gone and those who are

governing today are the representatives of the people. But I want to know whether certain things that were bad or which we could not tolerate some time before when the Britishers were here, can become good and tolerable today. It may be that the hand that struck us when we were a subject nation was white. But, certain things which were bad in those days cannot become good or tolerable if the hands that beat us today are brown or black. It is true that there is a change. The action which was taken in those days was bad because of the very principle of cutting the liberty of a man without giving him an opportunity, only on suspicion, on the ground that some individuals reported against him. It is on that basis that a man is arrested and he is convicted and his liberty taken. There is no time-limit for which he is to be kept in prison. Even in the case of an ordinary crime, say murder, a man can come out after 14 years or 15 years. For any other offence, there is a limit. He will understand that he will have his liberty after some years. But, here, the liberty of a man is curtailed, and he cannot appeal. If there are any Advisory Boards and other things like that, it is only when the Board thinks that he can come outside that he will be at liberty.

Then, if the argument of the Home Minister is that there is no longer a foreign power and the representatives of the people are now in power, I would point out to him that there are countries like England, America, France which are not ruled by foreign powers, and in those countries also there is no Preventive Detention Act which is used in times of peace. It is only used in times of war.

Here, I want to quote the judgment of Justice Bose of 7th May, 1951. He said that after close scrutiny and care he could not bring himself to believe that the framers of the Constitution intended that the liberties granted should be illusory and meaningless or that they could be

toyed with by this person or that person. They did not wish to make the people of India a cold, lifeless, inert mass of malleable clay, but created a living organism, breathed life into it and endowed it with purpose and vigour so that it could grow healthily and steadily in the democratic way of life. After all, who framed the Constitution, and for whom? It was framed not just for those in authority nor only for lawyers and dialecticians, but for the common people of India. So, it is very clear that the Constitution has been framed for the common people of India. It is also said in the Constitution that the fundamental rights and liberties can be taken away when there is an emergency, either external or internal. The whole speech of the Home Minister yesterday was to show that there was an emergency, that the situation in the country was such that the Preventive Detention has to be extended—not for another one year, but for another three years. He says that there is such a crisis in the country today that there must be an extension of the Preventive Detention Act, not for one year; the crisis will be over only after three years.

Shrimati Renu Chakravartty (Basirhat): No.

Shri A. K. Gopalan: If the crisis will be over after three years, it is not a crisis of the people but it is some other thing, because after three years there will be a new election and there may be the same Government or a change in the Government. But for the extension for these three years, the Home Minister has not given any reason. He has quoted Karl Marx Manifesto of 1848. The Home Minister says that in 1848 Karl Marx wrote the Communist Manifesto, so in 1954 the Preventive Detention Act must be extended. Is that a reason for extending the Bill?

Shri S. S. More (Sholapur): No period of limitation. Cause of action took place in 1948, the suit is filed now.

Shri A. K. Gopalan: The Communist Manifesto is based on a certain theory.

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He wrote it in 1848. If he had known that in 1954 there would be our Home Minister, the hon. Dr. Katju, he would never have written in that way, he would have written in a stronger way. He did not know that. The Home Minister quoted the Manifesto and said: "Here is a Manifesto written by Marx in which he says so many things. So, Preventive Detention must be extended. I never thought that to extend an Act like the Preventive Detention Act which was there in this country for the last seven years, he would have advanced this argument. There were other Resolutions of the Communist Party with which I am going to deal afterwards. What is the Resolution of the Communist Party? What is the meaning of the Resolution of the Communist Party? Does it warrant that there must be the Preventive Detention Act and it must continue. If it warrants that, then let it not be for three years, let it find a place in the statute-book itself for ever; let it be the common law of the country, if the Resolution of the Communist Party is the reason why the Preventive Detention Act is being extended.

The Minister of Home Affairs and States (Dr. Katju): It is one of the reasons.

Shri A. K. Gopalan: As far as the basis is concerned, it has been very clearly stated by the Home Minister that there are many States where the Government has not found it necessary to detain anybody, and in other States action has been taken, but the number is very small. This statement itself is a confession that the Preventive Detention Act is not at all necessary. Here is a report about the offences committed and the people detained. Looking into the report, one would say that certainly the ordinary law in the country would be enough to deal with them.

Then, what is the situation in the country today? We know that is was

only the other day, about fifteen days back, that our Prime Minister made a speech in which he said that remarkable progress had been made since independence and that it compared favourably with the progress made by other countries; that the country had no doubt been making rapid progress and that those who had the good of the country at heart would counsel patience. This shows that there is rapid progress in the country, there is development in the country, there is peace and prosperity in the country; and when there is peace and prosperity in the country, when the country is developing, when there is no discontent in the country, why is it that the Preventive Detention Act should be extended for three years. Either his statement that there is peace and prosperity in the country is wrong, or, if there is peace and prosperity in the country, the Preventive Detention Act should not continue. Both of them cannot go together. If rapid progress is being made, there will be certainly no chaos, there will be no discontent because the progress is the progress of the people. If it is the progress of the people and if it is rapid, and if there is peace and prosperity in the country, then, five years after the Preventive Detention Act came into force, there is no need to continue it for another three years. So, when you make a statement or when you say that there is peace and prosperity and happiness in the country, and at the same time you come before Parliament and say there must be the Preventive Detention Act because there is an emergency in the country, all the people in the country are against you, the people are revolting, there are strikes, there is violence against the Government today, then, these two cannot go together. If the facts that are stated are correct, certainly there is no need for Preventive Detention, because for any act of violence in the Criminal Procedure Code as well as in the other Codes there are laws by

which the man can certainly be punished. And it was only the other day that we amended the Criminal Procedure Code. We amended it so that there may be more powers to suppress the people. It has been amended in such a way that drastic action can be taken, so that in respect of anything that happens in the country quick action may be taken and speedy trial also may be there. So, when a man has committed an offence, when he is about to commit an offence and when he is inciting or instigating others to commit an offence, for all these things in the ordinary law of the country there are laws, and we have also amended them. If it is necessary, we can amend them also at other times to suit the conditions, but why extend this Preventive Detention Act which has been condemned not only by us, but, as I pointed out in the beginning, even by the Highest Judges in the country who have said that no Government using preventive detention during times of peace is a civilised Government.

Then, the old argument which comes out is that it is better to prevent the mischief than punish a man when he has committed it. If that is so, then all regulatory and punitive laws should be scrapped and preventive detention must be made to include all manner of conceivable offences. There is no need for law at all. All crimes can be prevented by putting people under detention. If a man commits an offence, prosecute him under the existing law and put him up for trial before a Court. If a man commits an offence or attempts to commit an offence or abets the commission of an offence, the ordinary law is there and he will have to face a trial before a Court of Law. How can we know that the man is going to commit an act unless he makes some preparation for it? When he is making some preparation, we proceed on the evidence of spies and informants. That is why in all

civilized countries if a man is arrested, he is put before a Court of law which will consider the evidence against him and come to a decision according to law.

I have pointed out that from 1947 so many charges were given. Grounds of detention were found out. As I said last time when we were debating this Bill in 1952 one of the grounds of detention was that the man had been wearing a red cap and white pajama. After that when the High Court and the Supreme Court said, "the grounds of detention are bad; there is nothing in them which shows that the man should be detained". Now the ground of detention given was that he was preaching violence and was about to act in a particular manner. How is it? Who gave the report? It is on the basis of the report of a policeman who alleged that this man was preaching violence and that he was about to act in a particular manner. When it is on the report of a single individual, why not give the man an opportunity to say whether he has done it. If a man is preaching violence, there are sections in the Criminal Procedure Code under which we can proceed against him. Give him an opportunity and then punish him. Punish him for the first time only under that Act. Here only the charge-sheet is there and there are some grounds given. The charge-sheet says, "in 1953 this man was walking about that mill." The names of some mills are given—"he was around these mills". Then afterwards, it is said, he was preaching violence. The grounds of detention are there. If these are put before a Court of law and if the man is given an opportunity, you will find that there is nothing in the case. He has not done anything. The ground is that a certain person suspects that this man is going to create trouble. The ground of suspicion is based on his own understanding. His understanding may be wrong. So it is necessary to see whether there are laws in this country by which we

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may get him convicted for an offence. That must be the method and not the Preventive Detention Act, which upon the suspicion of a man, upon the will of a certain individual puts the man in Jail. If the words 'violence' or 'preaching violence' are to be put there, everybody can report. A policeman can send a report and say, he is preaching violence.

In 1951, Sri Rajagopalachari said:

"Dealing with the points that have been raised in the course of the discussion, that mere preventive measures of the sort will not solve the problems of all our difficulties, we have to act at both ends. We have to take constructive measures for the amelioration of the conditions of the masses. We have to make people contented and happy. We know that it is the best preventive measure."

The continuation of the Preventive Detention Act for three years has not helped to make the people contented and happy. It is not a constructive measure for the amelioration of the conditions of the people. Sir, the Government cannot stop chaos in the country by the Preventive Detention Act. What is the cause of the unrest of the people and why are the people dissatisfied? It is the economic condition in the country to-day. Until and unless the Government is able to make people understand that they are going in the right path, the position in the country cannot be tackled. To-day for some reason or other, the country is suffering from great frustration. When people think that they are not able to come out of the existing condition, then they become desperate and reckless. People feel distressed and oppressed by the way in which things are moving. What is the Government's solution to this problem? There must be peace and prosperity in India, and if there is to be peace and prosperity, there

should be an understanding of the real situation.

It is said that people are arrested. There is student agitation, kisan agitation, labour agitation and so on. This labour agitation is a real problem. What is the real cause of the kisan agitation and the labour agitation? What is it that the Government has to do? Is it to extend the Preventive Detention Act for another three years? Is it to leave the situation in the country as it is to-day and then say, these people are creating chaos in the country, so use all the other laws and also the Preventive Detention Act?

I will now come to some of the points that had been raised by the hon. Minister yesterday.

He quoted as follows:—

"Even the most hardened liberal would now feel ashamed to maintain, let alone the Communist Party and other democrats and revolutionaries, that this Government and the classes that keep it in power will ever allow us to carry out a fundamental democratic transformation in the country by parliamentary methods alone. Hence, the road that will lead us to freedom and peace, land and bread, as outlined in the Programme of the Party, has to be found elsewhere."

This was quoted yesterday as the policy of the Communist Party and it was said that this was the policy of the Communist Party in 1951. I do not want to go into the details of the policy of the Communist Party to-day, but in 1951 this was written. What is there in it to make the Home Minister say that this policy is bad? It is said in this that the fundamental democratic transformation in the country by parliamentary methods alone cannot be made, because there are several instances to show that.

In the world to-day, we have seen what happened in Spain; what happened in Germany and what happened in British Guiana. What is it that people do there? What is it that people want? What did the ruling class do there? What did the class that was in power do? Did it respect the wishes of the people?

Not only that. In the Travancore-Cochin elections, one of the Ministers said, even if the communists win the elections, we will not allow them to be in power. When such things are said by every one, what can we do? It was only three days back when a Member in the Parliament wanted to raise some point of order, even that was not allowed. So, Sir, parliamentary methods alone could not solve the problem. By experience we know that the party in power will never allow the democratic transformation of the society. That will not be allowed because that is the practice. That is what we find here. So we say that in order to achieve bread and land and freedom and other things, we will have to organise the workers and the kisans. It is said that they fight. What does fight mean? Does it mean that there is agitation? There is the labour agitation. What does labour agitation mean? If the workers and kisans did not agitate, even what they get today will not have been got by them.

So, there must be struggle outside. It was only a week back that there was a threat of strike by bank employees. Bank employees said they would go on strike indefinitely. You know, after that so many changes have taken place. We have taken up this matter in the Parliament. So, there must be struggle outside. When a certain situation arises, when the majority of the people in the country are in trouble and they want something, the Government should do that. That is the reason why there that is the reason why there must not be preventive detention.

It was said yesterday that this Act is not intended against any political party in the country. But among those who are arrested, many are for preaching violence. Among the 261 who are arrested, 74 are communists, 47 are members belonging to other political parties and 8 are students. Of the 290 people detained and classified under 'non-politicals', there are only 2 in Bihar detained for profiteering; the others come under some other description like 'bad behaviour' etc. So, it is certainly political. And what are the reasons given? Here you have said it is because of the kisan agitation, it is because of the labour trouble. Sir, there was a kisan agitation in Uttar Pradesh. We know about that agitation. That was about the increase in the canal water rates. What happened to that agitation? Should there be no agitation? When the peasants understand that they cannot even pay the tax, the increased tax, on the canal water should there be no agitation? It was a very peaceful agitation; it was a *satyagraha*. What did the Government do in that agitation? The police beat them, they used violence. Even this *satyagraha* would not have been there, because my friend, their leader, Acharya Kripalani, said that there would be no *satyagraha* if the Government would appoint a Commission to go into the question, and see what could be done. Why did not the Government do it? If there is agitation in the country, if there are strikes and other things going on in the country, it is because the Government do not respond. What about Manipur? We discussed it the other day. In Manipur, they have elected their own representatives. But there is no Assembly. The representatives of the people could not express their opinion. In Manipur also, instead of taking stock of the situation, instead of calling the elected people in Manipur and then asking them what is to be done and what they want to do, lathis were used, they were beaten. And when they were beaten, students came, and the students were also beaten. In every instance in the country where

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there is a struggle in the *satyagraha* form, you understand that the people are peaceful. Still lathis are used and used to such an extent that after using them, the police and the officers concerned rise to a higher level and there will be shooting and then you can call it as violence and everything else. What is the root cause of all these things? Sir, unless and until the economic situation in the country is changed, unless and until the very minimum things needed by the people are provided, things will not improve. We are not saying that drastic things must be done. I know of instances in Malabar. There are several thousand acres of fallow land in the country. They are in the hands of the Government. In Malabar, there was an agitation for the last two years. I myself have sent petitions to the Government saying that these fallow lands—about 2,000 acres of fallow land—which are lying idle without being cultivated for several years should be cultivated. They were in the hands of a landlord; he had no heir when he died. It came in Government's possession. They have sent petitions session they have sent notices and now they are going to offer *satyagraha*. What happens is that till the persons begin *satyagraha*, nothing will be done. The land will not be given. I can understand if the land belonging to a private zamindar is not given, but what about land belonging to the Government? This agitation is not confined to the Communist Party; it is the agitation of all the Parties together. They say, give us the land, we want to produce more, we want to produce for ourselves, we want to produce for the country. It is not a violent act; it is not an anti-social act; it is an act to help the country; it is a patriotic act. Why do the Government not respond to it? Now, when the *satyagraha* begins, you can understand that there will be lathi charges, there will be firing and a big case will be made that these people, anti-social people, instigating violence and all those things have done that. Instead of conceding

the demand of the people, Government will see that the *satyagraha* is started. Government will then deal with the people in such a way that it will result in firing and killing of so many people, and the responsibility will be placed on some other persons who are not at fault. You do not enact legislation for preventing even such a silly thing as eviction. In Bihar, Madras, West Bengal and other places—I do not want to give the list now—several thousands and lakhs of people are being evicted forcibly. The Prime Minister, when he went to Punjab, said there must be an Ordinance. He knew that the eviction had been so much in Punjab and the people were suffering so much, that an Ordinance was necessary. I say that lakhs and lakhs of people are being evicted. It is only at the last moment that the Government step in and stop the eviction. Why did they not do anything for the last so many years when the people said, 'we are in the land; it is our land; we have worked on the land for several years, we want to improve the land'? When these people are evicted, when these people are thrown away, among those who resist are called the 'anti-social' elements and the other people who are responsible for this are protected.

Mr. Chairman: I would like to remind group leaders that generally the time fixed for them is half an hour. The hon. Member has already taken half an hour.

Shri A. K. Gopalan: I will finish now. The only point that I would emphasise is that it is because of the fact that the Government do not see what the conditions in the country are, it is because of the fact that the Government do not see why there is so much agitation in the country, that there is the kisan strike, there is the labour strike. All these things are there because the minimum, necessary things, required by the people, are not provided.

I do not wish to go into details about how many persons have been arrested and why they had been arrested. Other hon. Members who will speak will deal with them; I have no time to do so. I have only to say this. Yesterday the Home Minister said 'I claim that I represent the public opinion of the whole country'. If he represents public opinion of the whole country, I have only one thing to say. The elections in Andhra are coming in February. Will the Home Minister and the Government be ready to make this the issue? If they are the sole representatives of the people of the whole country, and if the Preventive Detention Act is a very reasonable thing, I ask them, why not make the Preventive Detention Act an issue in the election and get the verdict of the people? That is the best way in which it can be done.

Dr. Katju: Yes.

Shri A. K. Gopalan: If the Preventive Detention Act is a peaceful thing, if it is a reasonable measure and instead of one year, it can be extended to three years, put this before the people and let them say....

Shri S. S. More: Are we to take it as a motion for the adjournment of the consideration of this Bill till the elections are held?

Shri A. K. Gopalan: I have said in my amendment that this Bill must be circulated. So I say, let us put it before the people. Let this be the only issue. That is the best and most peaceful way of doing it—with no violence. On the one hand, let the Government say that the condition of the country is so bad that the Preventive Detention Act is necessary; on the other, let them say there is peace, prosperity and happiness everywhere.

Several times, Dr. Katju says that law and order should be maintained—as if law and order is maintained very well. It is not because there is no Preventive Detention Act. Some of the hon. Members of this House know that in Kozhikode, one month ago, at 12 O'clock, the house of a

Harijan was burnt by the *goondas* of some rich people. It was only after agitation, after the hon. Member, Shri Kelappan, and others held a meeting that something was done. Not only that; a man who was standing, who looked at the place when it was burnt, was beaten by the police. Two months ago in the Charakal taluk of Malabar, there were 8 murder cases. They happened in day-time as well as night-time. If murder is not violence, I do not know what it is. But nothing is traced. People said, 'here are the witnesses; these people are the witnesses; they have seen it'. But nothing has been done. This is not only in one part of the country. I will give a list to the Home Minister. In the country today, a man can be killed; the only thing is that you should have money. Even congressmen are not excepted. In a place called Putoli, 3 miles from Kozhikode, a young man of 25 years, was killed. The village *munsif* himself gave a statement that he was murdered. The doctor also said that he was murdered. But no action has been taken against the murderers. Law and order is to be maintained in this country and for that preventive detention is there; it is not the case. It is only for the next three years because it is only to win the next election. Before three years are over, the next elections will come. In the name of kisan struggle, in the name of labour trouble, in the name of some agitation of the political parties, the opponents, all those whom they want to put inside jail, they are doing this. It is not due to a desire to maintain law and order in this country. If that were so, even the petitions sent by the Members of Parliament—I will show them to the Home Minister—regarding murder cases happening, would have been considered. There are so many instances of burning of houses in the day-time. In not a single case has action been taken. I have written several letters and I have got the reply from the I.G., Madras; nothing is done. Today, as far as my part of the country is concerned, everybody is afraid. There is a river called

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Parok. If any one comes by the 12 O'clock train, he is sure to be killed. There is a dark passage there. If any persons come with money there, the next morning you will see the dead bodies floating in the river. It has been reported and taken to the notice of the I.G. also by the representatives of the people. It is not a question of maintaining law and order. It is only for seeing that those who take up the cause of the people—if they come out with their grievances—those political parties who take up the cause of the people and come forward to help them, are suppressed. Otherwise, people do not want this Preventive Detention Act. We have got thousands of petitions. Let it be put before the country as an election issue; let the opinion of the people be taken whether they want an extension of the Preventive Detention Act or not. Otherwise, let the ordinary law apply and let the life of this Act not be extended.

This is all I have to submit and I very strongly oppose the Bill. Even at the introduction stage I said that it was not necessary and we still say that it will never help the Government in maintaining law and order in this country.

Shri G. H. Deshpande (Nasik—Central): I rise to support the Bill and oppose the amendments. I rise to support the Bill because I sincerely think that in the interests of democracy and the development of the country on peaceful lines, such a measure for a few years is absolutely necessary.

An Hon. Member: No.

Shri G. H. Deshpande: I have listened to the speech of the leader of the Communist Group for the last 40 minutes very carefully. Yesterday also I tried to listen to the speech of the Member of the Socialist Party. I am convinced after these speeches that there is nothing wrong in introducing a Bill of the nature of the one we are having at present.

We have experience of the world. In some countries, there were people who professed themselves to be democrats and who attacked the machine of democracy in the name of democracy. They took undue advantage of the democratic freedom that prevailed in those countries and attacked democracy and they removed democracy from those countries and have established some sort of dictatorship. That is the experience we have from other countries. What is happening today in our country? The hon. Home Minister must have much more information than any ordinary gentleman. But, as one moving amongst the people, I am convinced that even today there are many individuals in our society who do not believe in democracy, who do not believe in peaceful methods. In spite of their public professions and utterances, they do believe in violent methods and they want to undo democracy and they want to establish a sort of dictatorship in this country. For that purpose, they catch hold of students, they catch hold of peasants and any small grievance is taken undue advantage of and an attempt is made to instigate violence. There are individuals who have organised violence and they are organising it by secret methods.

There is calm in the country no doubt. Peaceful work is going on in the country no doubt. A measure of prosperity has been achieved in this country during the last seven years no doubt. All that has been done in spite of the Indian communist, and I would like to tell my communist friends that, they have not helped us in doing this and we have done it in spite of them. But, what is their record? What are they doing? He read out certain resolutions of last year. There were some criticisms in this House about the resolutions that were passed by the Communist Party at Madurai. Some friend has published a book in which he has stated what the real intention behind those resolutions was, what secret decisions were arrived at. And, then, when that book was mentioned in

'this hon. House, they said, 'Oh! it is falsehood'. I thought they would go to a court of law and they would prove that it is falsehood. But the very fact that our communist friends did not choose to go to a court of law proves that the book is true and what is said of the Communist movement in that book is also true.

Shrimati Renu Chakravartty: For everything we are not going to a court of law.

Shri G. H. Deshpande: They may not. Now, it is the turn of others. Communists say, such and such a Minister is attacked many times in the press. Why should he not go to a court of law and get his innocence proved? I ask them that same question. In Marathi, there is a saying:

गेला होता कोर्ट राधासुता धर्म तेवढा कोर्ट ।

They said so many times in this House that a particular Minister having been attacked in Press a hundred times and not having chosen to go to a court of law, cannot say that he is innocent. So, I say to the hon. lady Member of the Communist Party, and I want to tell the House also, that in view of the fact that a book is published in which it is said that you have passed resolutions which commit yourself and your party to violence and you do not go to a court of law, it shows that the picture depicted in the booklet is perfectly true. (Interruption). I have got nothing to do with that. But, I know that in this country there are individuals who are interested in violent acts. If there is calm today, it is because progress is going on. But, take into consideration the world as it is and not the world as it ought to be. We do not know when this calm may prove to be a calm before a storm. What is the use of digging a well when the house is on fire? We are told that innocent movements are going on; they help the labour, they help the students. Supposing there is a college and the term of the Principal is at an end, and his

services are going to be terminated. The students want that he should get an extension for a couple of years. The students go to the authorities and the authorities say, 'Well, students, we have given you a patient hearing but we think it is not desirable to extend the period of this Principal'.

Shri V. G. Deshpande (Guna): On a point of order, Sir. The matter that is being referred to is the subject of judicial enquiry. Therefore, it was stated yesterday that a reference to the Indore firing should not be made.

Shri G. H. Deshpande: I do not want to refer to the Indore firing. I do not know if my hon. friend has any hand in the movement. I do not want to refer to it. I know that it is sub judice. I am not a new man to such sort of Houses and I do not want to indulge in criticisms of a matter which is sub judice. I want to quote an instance. I say, supposing it is only the question of the extension of the period of the Principal of a college and the students want to take the law into their own hands and say, 'We are not going to listen to you, we are going to take out a procession', and then, by previous plan some 100 goondas join the procession, some agitators stand in a corner with acid bombs and they are prepared to burn buildings, to destroy property and are prepared to dislocate communications, do you mean to say that all this should be allowed to happen?

Mr. Chairman: I hope he is not describing the same thing that is sub judice, in a round about way.

Shri G. H. Deshpande: No, Sir. I say an argument was advanced that let some things happen and the offence be committed and then we should take action against that offence. I say that prevention is much better than cure. What is the use of going to a court when some dislocation is done and when crores of rupees of damage has been done? Do you mean to say that students, misguided students and

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goondas and people indulging in violence should be allowed to commit these acts first, they should be allowed to dislocate communications first, they should be allowed to burn buildings first and then Government should take action? People do not want that sort of Government. Things of the nature which I described have happened and if this Act will not be there, there will be a repetition of them.

If was said: "Why not punish an offender by an ordinary law?" Ordinary offenders can be dealt with by ordinary law, but for extraordinary offenders some sort of extraordinary measure is absolutely necessary. After all, democracy in this country today is in its infancy. It is only for the last 7 years that we are working. We have recently stepped into the eighth year. The edifice of freedom is being built with the co-operation of the people and we are paying too heavy a price for that. The posterity will blame us if we will allow a few hot-headed people to undo this good work. If we allow people in the name of democracy to attack democracy they will finish democracy in this country. Not only there are individuals in this country who have no faith in democracy, but there are individuals in this country who are acting according to the instructions that they receive from outside. They never take their own decisions. They are intelligent people, no doubt; they have good brains, no doubt; but the brains are completely mortgaged. They never take the initiative. They are not the masters of their actions. They simply follow the instructions that they receive from certain quarters. That thing happened in this country for the last 20 or 25 years and that is happening even today in this country. So, we know not when some instructions will be received from some quarters and what will the consequences of it. We have to take into consideration that factor. There are

some people in this country who are always out to discredit everything that comes from this country.

A reference was made by my hon. friend, my predecessor—the Communist friend. He said: "Oh: in no civilised country there is such a sort of an Act." I hope in his opinion Russia is a civilised country.

Shri A. K. Gopalan: Justice Mahajan said that.

Shri G. H. Deshpande: What sort of freedom is there in Russia? Was there any freedom, Sir, in Russia for Lenin—I am sorry, Trotsky—I mean for Trotsky. Do not laugh; I know much about Russia; much more about Russia than yourself. Sir, be laughs best who laughs last. How was Trotsky treated? Then we were told: "What procedure you have? A fair trial must be there." Was Beria given a fair trial? Is that a model of trial that you place before us? Beria had certain different ideologies. Was he produced before the Court? Here, for our detenus we allow them to come in person before the Court. We allow them to appear before the Court. We give them so many facilities. They can have interviews. They can see their own relatives. Is that allowed in Russia? Was any detenu given a fair trial in Russia?

Shri A. K. Gopalan: Come to me; I will tell you what happens there. You are ignorant.

Shri G. H. Deshpande: I know everything.

Mr. Chairman: Order, order. I think it is not good for us to go into the administration of another country.

Shri G. H. Deshpande: Sir, I do not want to go into the administration of any other country; but it was said that in many civilised countries there are better civil liberties and better individual freedom. I thought that in the opinion of my Communist friend Russia was a civilised country. But,

in Russia there are no civil liberties which can be compared with the civil liberties that are enjoyed here in India by the Indian Communists and everybody else.

What was done by the Act? After all, the Act did not suppress any political party in this country. There was a mention that in such and such a case, such and such a man belonging to such and such a party was detained. But, he was detained for his individual acts of violence. It is not that there was any attempt to suppress the party.

It was said: "Oh, you are having elections and for that you want this Act." We do not want it for the sake of elections. For elections we have our own work before the people. People know us far better and in spite of the fact that an Act which was much more stringent than this, when that Act was on the Statute Book, and when this very party was responsible for that rigorous Act, we went to the polls and we won it because the people have a better sense of realisation. They knew that such an Act was necessary. That is why they have returned us with such a tremendous majority as we have in all parts of the country.

Shrimati Renu Chakravartty: We have also been returned.

Shri G. H. Deshpande: It was said: "Oh! what will happen in Andhra?" We will see what will happen in Andhra. We are not afraid of it and we intend to place this special Act before the people. People know what we are doing. We do not believe in secret movements. Whatever we are doing, we do it openly. We will tell the people of Andhra that there was the necessity for such an Act and so we are passing such an Act and we are prepared to take the results because we think that it is a necessity. We will win the elections or lose the elections; but we will always stand by the right thing. Nobody can bring us down on that matter.

What I want to say is that, in my humble opinion, taking the world as it is and the situation in the country as it prevails, we know not what will happen at a particular moment. So, it is better to have this sort of measure in the armoury of the Government. As far as possible we do not want to use it.

We know from statistics that in the past it was used very sparingly. It was said: "You are extending an Act which is a 'black Act'". It is not a 'black Act'. It is not the Act as it was then that we are extending. There was much improvement made last time. As a matter of fact this Act cannot be said even an "Extraordinary Act". It also provides you with fair trial. It provides you with special appearance before a very high judicial authority. It defines the term of imprisonment. It gives you the exact grounds on which you are detained. And, from the proceedings and from the statistics that we have, we know how fairly it was administered. So, neither the Act is 'black' nor it was used very rigorously. The necessity of the Act is there, no doubt. No doubt, there is prosperity. No doubt, for the present there is peace. We want to continue this prosperity. If we want to continue movements for furtherance of economic advancement, there must be peace in the country. There must be tranquillity in the country. People must not be allowed to break the peace. There must not be acts of violence. We are trying to increase amenities for communications, but there are friends who want to dislocate communications. I do not believe that there is any reason for students, or for the labour, or for the peasants to be afraid of this Act. They can carry on movements. All parties can carry on movements according to their own likes; but the movements must be peaceful. That is the only thing. If you organise yourself in a secret manner; if you collect arms; if you instigate students

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and then take advantage of certain situations to have your programme of violence, we want to prevent you from doing that Act. Is there anything wrong in that? If we do not do it, then we will be failing in our duty.

So, I want to tell the Home Minister that we also, on this side, are moving amongst the people every day. We have got our fingers on the pulse of the people and we say that people are convinced that such an Act for the present is absolutely necessary. Let them say that we are not democrats. People do understand that we are democrats, and it is the Communists who say that we are not democrats. So, I would tell the Government not to go down in history as a weak Government. If we show weakness, if we do not allow a measure of this type to remain on the statute-book, we know not what will happen to this country and all the good work done during the seven years will be undone. Democracy will be destroyed and totalitarian government is likely to come into power. So, for preventing that, we should do things sincerely, and to have a measure of this type is absolutely necessary. I, therefore, support it with all my strength.

Shri Veeraswamy (Mayuram-Reserved—Sch. Castes): It is a shame to the party in power and especially to the Government headed by Pandit Jawaharlal Nehru who is a lover of democracy, to have this measure continuously for more than four years in the statute-book of this country. The Preventive Detention Act has been on the Statute Book for more than four years and the hon. Home Minister still wants to continue it for a further period of three years. If the Home Minister is a lover of democracy, if he has got any confidence in the people and if he wants to work out the Constitution giving the freedoms guaranteed to the people, he would have never dreamt of putting

this obnoxious measure on the Statute Book of this country.

1 P.M.

What is the justification that the hon. Home Minister advances for continuing this obnoxious measure for a further period of three years? Is there any crisis existing in any part of the country? Is there any state of emergency existing in any part of the country? I may tell you that there might have been revolutions of several types in this country especially after Independence; there might have been revolutions from the Scheduled Caste people who have been oppressed and suppressed by the Brahmins and the caste Hindus for thousands of years. The Scheduled Caste people are even today being ill-treated by Brahmins and caste Hindus, but they have been very patient and they are still expecting the caste Hindus to give them their due freedom which is their birth right. If Dr. Ambedkar thinks of creating any trouble, if he thinks of rising in revolt against the social set-up, he will have done it, and even now if he wants, he can do and create a deadlock in the country. There might have been a revolution from the workers. The workers constitute more than 90 per cent. of the population of the country they are manual labourers; they work in the fields, they work in the mills and industries and they work in every field of activity. But the workers have been kept just like slaves in deplorable conditions of living and if they think of revolting against the Government of the day, they can do. There are parties in the country which have been working for the uplift of the workers, for the progress and improvement in the living conditions of the workers; almost all parties have taken to the democratic line of work, and so, they do not want to create troubles or deadlocks and disturb the peace of the country. They expect the party in power to solve the problems of the workers in a peaceful and democratic

manner, and so, they have not revolted or rebelled against the Government.

I may also say that there might have been a rebellion from the oppressed masses, that is, from the low castes against the high castes. We know that in this country there are more than 4,000 castes from Brahmins downwards to *panchamas*. Among the Scheduled Castes alone, there are about 1,111 castes; among the non-Brahmins there are about 2,500 castes and among the Brahmins also there are about 500 castes, and so, in this country there are more than 4,000 castes. If the low castes think of creating trouble, think of rising in revolt against the Government, which has not abolished the caste system, they can do, but they do not want to create any such trouble and they do not want to put obstacles in the way of peaceful progress of the country.

When almost all parties, including the Communist Party, have taken to the democratic line of work, where is the necessity for the Government to continue the life of this obnoxious Act for a further period of three years? I may also refer to the anti-Hindi agitation in the South. The anti-Hindi agitation has been going on for the past 16 years, and if Periyar Ramaswami, the accredited leader of the Dravidians, thinks of creating deadlocks, he can do so in no time. There are lakhs of workers to rise in revolt against the Government for having imposed Hindi as the national language or official language of India and on the people of the South also. We have been agitating in a very peaceful manner because we are a civilised people and we believe in democracy, we believe in non-violence and in the peaceful way of achieving our object. We do not want to create any troubles in the country and so, the anti-Hindi agitation has been going on for the last 16 years, without doing any harm to anybody and without disturbing the peace of the country. I may also

refer in this connection to the fact that when Police Action was taken against Hyderabad, Periyar Ramaswami at once stopped the anti-Hindi agitation of the South with a view to giving full co-operation to the Government to succeed in their Police Action against Hyderabad.

I would like to refer to the recent settlement of the bank disputes. There was a crisis developing into a great danger so as to disturb the peace of the country and the bank dispute was amicably settled by the co-operation of all the Opposition leaders. When the Opposition leaders, the Communist leaders, the P.S.P. leaders and leaders like Mr. B. Ramachandra Reddi have shown their magnanimity in resolving that crisis, when there is so much co-operation on the part of the Opposition Parties, the party in power, especially the hon. Home Minister, must have come to a decision not to press this measure for the extension of its life by a further period of three years. There is no justification for continuing this measure. All the parties having faith in democracy may unite and decide to defeat the Congress Party in the coming Andhra elections because they may hold out this measure to the people who believe in democracy and canvass their support. The Congress Party can be defeated and I do expect that all the Opposition Parties in Andhra will unite together, will gather their strength against the party in power which has been responsible for the continuance of the measure for more than four years and still wanting to continue it for a further period of three years. If there is any world war and if our country is in danger, the country may require such a measure as the Preventive Detention Act, and nobody here is unpatriotic. I really wonder how the Congress people alone appropriate to themselves patriotism and nationalism. They want to monopolise patriotism, they want to monopolise nationalism, thinking that others are unpatriotic, undemocratic and not nationalistic and that they alone are

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patriots and believe in non-violence, as they say. What about the Congress in 1942? The entire country was plunged in non-violence! They declare to the world that they are believers in non-violence and that they are followers of Mahatma Gandhi, the exponent of peace and non-violence. The world knows and everybody in this House knows only too well that the Congress created a lot of trouble in this country when the country was involved in a world conflagration. To say that the Congress people alone are patriots and that they are alone nationalists is just to mock at nationalism and patriotism.

The last point which I want to put forth in this House is my humble appeal to the Home Minister. Even the Deputy Minister is not here. He is speaking to somebody there.

The Deputy Minister of Home Affairs (Shri Datar): I am following the arguments very closely.

Shri Veeraswamy: Thank you very much. If the party in power, especially if the Home Minister and the Deputy Home Minister have any faith in democracy, if they want to respect the Indian Constitution and if they want to take in the other parties also with them for the reconstruction of this country, they must drop this measure and declare to the people that this measure is dropped. They could have allowed the Preventive Detention Act to expire on the original date of expiry with a view to get the co-operation of the people who have taken to democratic lines. I humbly submit to the House and to the hon. Ministers to consider these few points and to drop this measure and get the goodwill of the people all over the country and especially of the parties which are opposed to the Congress.

Shri Asoka Mehta (Bhandara): I believe there should be a general agreement about the undesirability of this Act. I can understand the supporters of this measure coming forward and

saying that undesirable as this measure is, circumstances in the country are such that it is necessary to extend it or to continue it. But I am surprised to find that there are persons here who are waxing eloquent in favour of this piece of legislation. It is true that our Constitution permits or envisages circumstances in which such a piece of legislation may become necessary, but what it permits it does not command. We have got to make out a case; we have got to analyse the existing situation, the prevailing circumstances and make out a case for such a piece of legislation, that only through such a legislation can the conditions be controlled and improved and that such a piece of legislation will enable the Government to control and improve the prevailing circumstances. I am surprised to find that no effort has been made this time whatsoever to justify the need for the legislation by the mover. In 1952, when he had come forward before this House and supported the continuance of this Act, he had said that there were three conditions that necessitated such a continuance. The world situation demanded some such extraordinary powers; the policy of partial de-control was likely to create a situation wherein it would be necessary to arm the Government with special powers, and there were the activities of parties taking advantage of the religious excitability of the people. These were the three conditions then. Where do they stand today? There is no question of partial de-control now; we have been able to put through a policy of de-control and we are assured that, economically speaking, the conditions of our country is better than ever before. As far as world conditions are concerned, we are told that thanks to the remarkable and shrewd statesmanship of our Prime Minister the world situation is improving very fast and we have been able to establish friendly relations with all countries of world. We seem to be the one bridge, the sole

bridge that joins the two contending power blocks. If we are in such a happy position, why is it necessary to have this piece of legislation? When we analyse the figures that are given here, we find that only three persons—just three persons—were detained in the last one year with a view to preventing them from acting in a manner prejudicial to the defence of India, the relationship of India with foreign powers or the security of India. 12 persons were arrested and detained for acting in a manner prejudicial to the maintenance of supplies and essential services. If you will analyse the table, you will find that the majority of them—perhaps all twelve of them—could have been dealt with under the ordinary law of the land. Eight persons were detained for launching illegal strikes against the Patna Electric Supply Company. If they had launched an illegal strike, I believe there is some legislation which permits the Government to proceed against the men who embark upon or who encourage or who foster illegal strikes. There is that ordinary law of the land. Why is it ignored? Why is it by-passed, and why you must take recourse to this extraordinary piece of legislation?

Then again, it is amazing to find that when this Act was first framed, after the people of India had established for themselves a Republic, that is, in 1950, it was to run for one year. Sardar Vallabhbhai Patel who sponsored this particular piece of legislation was most reluctant that such a Bill should be put on the Statute Book. Not only he was most reluctant but he was most anxious that such a Bill should be removed from the statute-book as early as possible. In those days, when circumstances were really difficult, when a case could be made out—that lion-hearted man could well have made out a case for such a piece of legislation—even then, it was limited to one year alone. Today, we are not told why this piece of legislation is necessary. No kind

of assessment of the prevailing situation is given to us, and we are just told that it should be extended for a period of three years. Why should that be so? When this particular measure was first brought up, the touchstone was provided, the governing criterion was offered to us by Sardar Vallabhbhai Patel. He said:

“When you think of the civil liberties of the extremely small number of persons concerned, let the House also think of the liberties of the millions of people threatened by the activities of individuals whose activities we have curtailed.”

Such a piece of legislation can be brought forward only when there is a danger of a small group of men indulging in activities which would encroach upon or which would destroy the liberties of millions of people. Who are the people who are indulging in such activities? Where is this kind of threat? Is it imminent, is it a certain threat which cannot be met by any other method? No such case has been made out whatsoever. When this particular piece of legislation was put on the Statute Book, when it was continued, what was the threat? Both Sardar Vallabhbhai Patel and Shri Rajagopalachari—Sardar Patel in 1950 and Shri Rajagopalachari in 1951—in justification of this piece of legislation made pointed reference to the Communist Party and it was at that time that Shri Rajagopalachari had said:

“The ‘freedom’ that men who are engaged in subversive activities and their fellow-travellers preach is a ‘freedom’ which they want for destroying freedom. They want to secure the licence which is necessary for them to operate and the scope to exploit the situation. The whole technique is camouflaged and conceived on the assumption that we shall stick to our principles blindfold and be deceived even though expediency requires practical measures...If we do not wish

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to live in a monolithic structure of society but desire the principles of individual freedom and initiative to be in operation along with joint co-operative life, we should present a united front and not betray ourselves to furnish greater scope for the activities of those whose single aim is to destroy freedom."

The whole purpose behind this piece of legislation was to create a united front of the lovers of freedom, of the upholders of democracy, against those whose single aim was to disrupt and destroy freedom and democracy in this country. Has such a united front been created? There has been a united front against Government, of all other political parties here.

I have gone through the debates in the past. I have been listening to the debate that has been going on now. I have gone carefully through this brochure that has been circulated. Fourteen political parties you have ranged against yourselves. The Home Minister finds himself in total isolation.

In the past when this question was brought up here, the late lamented Dr. Syama Prasad Mookerjee, my friend Mr. Chatterjee, Mr. Sarangadhar Das, Sardar Hukam Singh and various other Members pointed out, quoted chapter and verse to show how this particular Act had been used against their political parties and their political activities.

What are you doing? You had put this Act on the statute-book in order to safeguard democracy in order to create a united front of all those who would cherish democracy in this country. That was the purpose for which Sardar Patel and Shri Rajagopalachari had conceived this piece of legislation. And you have renewed this Act in order to break up that united front completely and put yourself in a position of total isolation.

Then again, we are told that this Act is not being used against political parties. But what do we find? In 1953 thirty-two persons belonging to different political parties were detained; in 1954 ninety-three. What is the reason? What happened in 1954? I thought the year was comparatively much better than any previous year. This Act is also used for dealing with anti-social elements, goondas, dacoits. I can understand a piece of legislation which is concerned with curbing the liberties of goondas and dacoits. But why do you club together, why is an effort being made to bundle together goondas and dacoits on the one hand and political workers on the other—workers belonging to all kinds of political parties? Is it proper, is it necessary? One can understand if a case is made out that there should be some kind of a Goonda Act to prevent dacoits from going about and creating disturbances in the country. But should there be an Act wherein the goondas and the dacoits are brought in and wherein respected representatives of the people, respected spokesmen of the people are also caught in?

Shri Rajagopalachari had pointed out at that time:

"I am afraid that while we improve conditions, the enemy, if I may so call the opposing bloc of forces, is also alert and changing his tactics and improving, from his own point of view, his tactics and exploiting the situation as it arises from time to time. With the advanced technique that we have to cope with, we have to start every now and then with fresh defensive technique and the thing is proceeding that way."

If you want to safeguard democracy you must learn to change your technique as Shri Rajagopalachari said. The Communist Party have changed their technique; they are no longer pursuing the technique which they were pursuing during 1948-50. Your

technique then may have helped up to a point; it may have helped the Communists. Party too up to a point. If you are of the opinion that they are out to fight democracy and they are using democratic means with a view ultimately to strangle democracy, surely this is not the piece of legislation with which you will be able to meet them. You have to discover new techniques, you have to discover new methods for dealing with the changed technique that the Communist Party have adopted today.

Sardar Patel had suggested—I know he was not in favour of it, I am not in favour of it, the House is not in favour of it, but he had a logical mind, he had a consistent mind and that logical mind had said:

"This is a democratic country now and any party that wants to take advantage of democratic institutions or democratic organisations to come into government by democratic methods is quite free, but it will be an evil day if this Government allow the democratic freedom to go to polls to people who want to destroy democracy by violence and disruption."

So Sardar Patel had said that if democracy is going to be disrupted we should—not that we should have this Preventive Detention Act—but we should deny the right to people who want to destroy democracy to take advantage of democratic methods, to take advantage of the polls at all. There are countries in the world where there are such pieces of legislation, namely for the preservation of democracy. But you and I and our fellow Members in this House are determined not to have that kind of legislation. We have faith in our people. We know that the alchemy of democracy is strong enough to change those who are opposed to democracy. Our faith in democracy is so firm and so fundamental that we are prepared to take risks and experiment.

And what do we find? We have come to this conclusion, deliberately and consciously, that we shall not send those with whom we differ fundamentally, whom Shri Rajagopalachari had called "the enemy block", to concentration camps; we shall permit them to come into the Legislature, into the Parliament. We have this faith and confidence that because of this alchemy of the Parliament we shall be able to discover areas of agreement, we shall be able to discover points of contact and we shall be able to hammer out a point of view which will be in the interests of the country as a whole. It is that approach that is necessary today. Why does not the Home Minister set up a committee here, a committee drawn from Members belonging to different parties? If anywhere any political parties indulge in an activity which is likely to undermine or disrupt democracy or endanger the security of our country, here would be the opinion of the peers that would be available, and it would be impossible for any political party to go against the judgment, not of the Government, not of an official, but the combined opinion of all the peers who are sitting here belonging to all kinds of political parties.

After all, we are as anxious to preserve the foundations of our freedom and to safeguard democracy in our country as anybody can be on the Treasury Benches. But we shall not permit that to be done by the method in which and the manner in which you have been doing so far. Take the recent instance of the contemplated bank strike. What was the approach of the Government? To threaten the bank employees; to denounce all those who were standing by the bank employees in their fight for their legitimate rights and aspirations, as anti-social elements; to denounce the strike as manoeuvred as caused by the Communists. Give a dog a bad name and hang it! Could you have prevented the strike in that

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way? The strike would have come. The police would have set the motor of repression into action or would have arrested people under this particular Act. All kinds of disturbances would have taken place. Our economy would have been disrupted for a while. Instead, what did you find? That every section of this House was anxious to see that such a situation did not arise.

Shri S. S. More: Except the Congress.

Shri Asoka Mehta: Congressmen also. There were distinguished Congressmen who co-operated with us in preventing an ugly situation from arising. But did the Government make any effort? It was my leader, Acharya Kripalani, who had to take the initiative in the matter, not the Prime Minister or the Home Minister or the Labour Minister. They do not think that we count in the country. They do not think that our co-operation would help them to maintain peace and tranquillity in this country. They think only with the baton of the police the bludgeon of the Government, peace and tranquillity can be maintained in this country. It is that attitude of the Government which we shall not accept and which has created against you a united front.

Do not think that we are a whit less interested in the preservation of our freedom and democracy. But the method you are pursuing will never enable you to weaken the Communists or to create in this country the climate that is favourable for the preservation of freedom and democracy. Therefore my suggestion and my appeal is, try to create parliamentary opinion, public opinion, to restrain political parties from misbehaving if they are doing so. Do not make use of this kind of legislation which only results in dividing the forces of freedom and democracy, which only results in creating a united front against the Government.

Shri Rajagopalchari had assured us that if this particular piece of legislation is mis-used anywhere, stringent action would be taken.

He had gone to the extent of saying:

"I can give another more important assurance and I must give it at once....You may rest assured that the Government will take the most serious view of such conduct and will treat every such abuse of powers as disloyalty to the State, nothing less."

This is the important assurance which he had given. Many cases have been brought on the floor of the House where it has been proved to the hilt that these powers have been misused. But, not in one single case has any action been taken. That is the reason why we felt that when assurances are not honoured, it is not proper or desirable that such a legislation should be permitted to continue on the Statute Book.

There is one part of the Bill which is particularly obnoxious; that is the amendment which seeks to remove Jammu and Kashmir from the purview of this Act completely. This Act is bad enough. If Jammu and Kashmir is removed, the people there will be completely at the mercy of the Jammu and Kashmir Government. The Jammu and Kashmir Preventive Detention Act is more obnoxious, is more undesirable than the Act that we are discussing here this afternoon, in five ways. Firstly, under that Act, any officer other than the District Magistrate, Additional District Magistrate and Sub-Divisional Magistrate, may be a Superintendent of Police also, can arrest and issue a detention order. Secondly, in the Advisory Boards, the Chairman need not necessarily be a person who is or has been a Judge of the High Court. Thirdly, the maximum period of detention

under that Act is five years, as against one year under our Act.

[MR. DEPUTY-SPEAKER in the Chair]

Then, there is no obligation under the Jammu and Kashmir State Act to obtain the opinion of the Advisory Board even in the case of detention for five years, where a person is detained to prevent him from acting in a manner prejudicial to the security of the State or the maintenance of public safety or public order. Lastly, a person can be re-arrested and re-detained if the Government or the officer, as the case may be, is satisfied that the grounds on which the original order was made still exist and the order of release does not bar the making of a fresh order of detention. These are the five improvements that we had carried out in our original Act. The original Act was bad. It was sought to be improved. It was liberalised as the Home Minister said. Suddenly the process of liberalisation has been stopped. For three years we are called upon to enact this piece of legislation as it stands. This time no opportunity has been given to us to find out whether this Act can be improved in any further manner or not. But, apart from that, a far more obnoxious Act is to be in operation in the Jammu and Kashmir. I do not know why this decision has been taken.

I have been one of those who have been taking a keen interest in the conditions prevailing in the State of Jammu and Kashmir. I can speak with some amount of personal experience also. What do I find? The people there, particularly in Kashmir, are profoundly interested in this problem of detention, because they feel that some of those whom they revere and respect are today in detention. They feel that something should be done about that. Whether they are entitled to think in that way or not, is another matter. But, there is that profound and widespread feeling which cannot be denied. Instead of taking that feeling into consideration, you are permitting the Jammu and

Kashmir Government to clamp down upon the people of that State a piece of legislation which is far more obnoxious than this Act. We want the people of Jammu and Kashmir to be drawn closer to India. They are experiencing today the twilight of liberty. They feel that they do not enjoy the civil liberties that the people in the rest of India enjoy. Whether that is true or not is a different matter. But, here, they will be able to say that as far as that State is concerned, there is to be an Act which is far more obnoxious than an Act that is to govern the rest of India. What have the people of Jammu and Kashmir done? Do you think that their goodwill and co-operation with the rest of India could be obtained by forging fetters of oppression and repression? Is that the way in which you are going to win the goodwill of those people? Is that the way in which you will ultimately be able to get their co-operation and support and win their confidence? If this Act is bad, let it be uniformly be applied everywhere. You are not excluding any part of India from the operation of this Act. There are certain States where no person has been arrested in the last year. I could have understood if those States were excluded from the operation of this Act. No such exclusion takes place. There is only one exclusion and that is the Jammu and Kashmir State. That exclusion is for the purpose of bringing the people of that State under the operation of a far more obnoxious and a far more objectionable Act than the one we are discussing.

I was surprised to find that the Home Minister, while moving his motion, made no effort to explain why this particular Act should continue. He made no effort to explain why this Act should continue for three years and not one year at a time as Sardar Patel and Shri Rajagopalachari, under entirely different circumstances, far more difficult circumstances, had asked the House to do. Lastly, he had not a word to say as to why Jammu and Kashmir is sought to be excluded from the operation of this Act. There, the people

[Shri Asoka Mehta]

are being thrown to the tender mercies of a far more objectionable and obnoxious Act than the one prevailing here. I hope and trust that even the Home Minister, will not respond to our appeal and withdraw the measure, at least, he will try to take the House and the country seriously and explain to us why he has made these proposals and carry conviction to us and will not merely get this Bill passed with the strength of a majority because such legislations, where you want the co-operation of all concerned, can never be passed and should never be passed merely by the majority of a particular party.

श्री एस० पी० मिश्र (मुंगेर उत्तर पश्चिम) : मुझे इस बात की बड़ी खुशी है कि पिछले दो सालों में, और खास कर पिछले साल १९५४ में सारा देश में नजरबन्दी के इस कानून को हमारी प्रान्तीय सरकारों ने बड़ी सावधानी के साथ इस्तेमाल किया है। सावधानी ही नहीं, मैं ने जो लिस्ट दीं हैं उस में देखा है कि कई प्रान्तों ने, कई राज्यों ने, कई राज्यों की सरकारों ने, इस कानून का कोई भी इस्तेमाल नहीं किया। मुझे इस बात की बड़ी खुशी है और मैं उन राज्यों को इस बात पर धन्यवाद देना चाहता हूँ।

इस विशेष कानून का जो इस सावधानी के साथ इस्तेमाल हुआ इस का श्रेय, इस का धन्यवाद, इस पार्लियामेंट को है जिस ने बहुत सावधानी के साथ इस कानून को बनाया था और उस में इतने प्रतिबन्ध, इतनी रोक, रख दी थी कि कोई भी सरकार, या पुलिस के अधिकारी अथवा मैजिस्ट्रेट इस का बेजा इस्तेमाल नहीं कर सकता है। लेकिन, जब मैं ने सरकारी रिपोर्टों को बड़े गौर के साथ देखा तो मेरी समझ में नहीं आया कि जब इतनी कम गिरफ्तारियां की गई हैं,—सिर्फ २५०—तब इस कानून के रखने की क्या जरूरत है और गिरफ्तार लोगों में भी मैं ने देखा है कि तरह तरह के लोग हैं, यहां तक कि मैं ने कुछ कांग्रेसमैनो के नाम भी देखे हैं जिन को डिटेन किया गया है, नजरबन्द किया गया है और लिख दिया गया है कि क्रिमिनल एक्टिविटीज के कारण।

श्री बाबूबल्ल (अहमदनगर वृद्धि) : मेरे डिस्ट्रिक्ट में भी कांग्रेस वर्कर डीटेन्ड किया गया है

श्री एस० पी० मिश्र : गुंडों, डकैतों और तरह तरह के लोगों को इस कानून में पकड़ा गया है। मैं समझता हूँ और ला मिनिस्टर और होम मिनिस्टर भी इस बात को मानेंगे कि देश के जो साधारण कानून हैं उन कानूनों में बहुत जगह हैं, बहुत गुंजाइश है कि ऐसे आदमियों को मुकदमा चला कर जेलों में डाला जाय। और अगर देश के साधारण कानून में ऐसी कोई व्यवस्था नहीं है जिस के जरिये उस आदमी पर मुकदमा चलाया जाय, उस को जेल में रक्खा जाय, उस को सजा दी जाय जो डकैतों को अपने यहां जगह देता है या जो और तरह के बेजा जुर्म समाज के प्रति करता है, तो मैं समझता हूँ कि सब से पहले जरूरी है कि देश के उन साधारण कानून में सुधार किया जाय और उस में ऐसी बातें लाई जायें, ऐसे कानून बनाये जायें कि जो आदमी डकैतों को अपने घर में जगह देता है उन पर मुकदमे चलाये जा सकें और उन को जेल भेजा जा सके, उन को सख्त सजा दी जा सके। लेकिन अगर उन के लिये इस कानून के इस्तेमाल किये बिना काम न चलता हो तो मैं समझता हूँ कि तब और सारे कानूनों को छोड़ दिया जाय, क्रिमिनल प्रोसीजर कोड को हटाया जाय और प्रिवीन्टिव डिटेन्शन से ही काम लिया जाय।

इस लिये मैं कहता हूँ कि यह कानून-विशेष है। और मुझे याद है कि १९४० में जब सरदार वल्लभ भाई पटेल ने पहले पहल इस कानून को सदन के सामने रक्खा था, उस को पेश करते हुए पहले दिन कहा था कि मुझे दो दिन और दो रात नींद नहीं आई और मैं बराबर इस कानून को बनाने की ही बात सोचता रहा। हमें मालूम है कि कलकत्ता हाई कोर्ट ने उस वक्त एक फैसला दिया था और उस फैसले की रूख कम्युनिस्ट पार्टी के करीब करीब २०० या ४०० आदमी छूट जाने वाले थे। उस वक्त कम्युनिस्ट पार्टी रणीद्वे के नेतृत्व में थी और बम्ब, मॉन्ट और तरह तरह की खतरनाक चीजें तैयार कर रही

थी। हम एक बहुत खतरनाक हालत से गुजर रहे थे और यह कानून जरूरी सा हो गया था। इतना होने पर भी सरदार बर्टल को इतनी फिक्र थी, लोकतन्त्र की उन्हें इतनी चिन्ता थी कि दो रात तक उन्हें नींद नहीं आई। आज मुझे खुशी होती है यह सुन कर कि श्री गोपालन कहते हैं कि कम्युनिस्ट घोषणा पत्र सात वर्ष पुराना है। और उसे इस कानून का आधार नहीं माना जाये। क्या वह कहने को तैयार हैं कि कम्युनिस्ट पार्टी ने उस रास्ते को छोड़ दिया है और लोकतन्त्रीय रास्ता अपना लिया है? लेकिन ऐसी बात नहीं है। यह तो सिर्फ बातें ही बातें हैं। १९४८ में जो घोषणा पत्र कार्ल मार्क्स ने लिखा था उस पर अब भी यह लोग कायम हैं और उसको बदलने के लिए तैयार नहीं हैं। असल जड़ तो वही है।

एक माननीय सचिव : आप भी तो मानते हैं।

श्री एम० पी० मिश्र : मैं नहीं मानता। तां कम्युनिस्ट पार्टी अब भी उन्हीं तरीकों पर चलती है। उनके बुनियादी सिद्धान्तों में कोई फर्क नहीं आया है आज भी ये लोग अपने हाथों में पिस्तौल, बम्ब इत्यादि ले कर अपने आबजैटस को, अपने लक्ष्य को प्राप्त करने में विश्वास रखते हैं। मैं फिर कहता हूँ कि उन्होंने ने अपने मौलिक रास्ते नहीं बदले हैं। और उनके जो बुनियादी रास्ते और तरीके हैं वे सभी लोगों को मालूम हैं। वे जो बातें करते हैं सिर्फ जनता को भ्रम में डालने के लिये करते हैं। लेकिन इस बात के बारे में सरकार को या किसी भी दूसरे आदमी को, जो प्रजातन्त्र में विश्वास रखता है और जिस को आजादी से प्यार है कोई शक नहीं है कि इनकी बुनियादी पालिसियां वही हैं जो पहले हुआ करती थी और उन में कोई अन्तर नहीं आया है। वे तो सरकार को बदलना नहीं चाहते, वे तो सरकार को उखाड़ फेंकना चाहते हैं। सरकार को बदलने के लिए हिन्दुस्तान में कई पार्टियां हैं जैसे प्रजा सोशलिस्ट पार्टी और हर एक को वैधानिक तरीकों से सरकार को बदलने का हक भी है। हमारे संविधान ने उन्हें यह हक दे रखा है। लेकिन कम्युनिस्ट सरकार

को बदलने में विश्वास नहीं करते वे तो राज्य को बदलने में विश्वास करते हैं। राज्य और सरकार में बहुत बड़ा अन्तर है। और कम्युनिस्टों का हमारी सरकार क्या, इस राज्य में विश्वास नहीं है, वे तो इस राज्य को किसी न किसी तरह से उखाड़ फेंकना चाहते हैं। वे राज्य के प्रति वफादार नहीं, उनकी वफादारी तो किसी और ही के प्रति है। उन का बुनियादी रास्ता साफ है और इस में कोई भी शक नहीं है। वे तो कहते हैं कि हम रणोद्भव वाले रास्ते से हट गए हैं और जोशी साहब वाला रास्ता भी हमने त्याग दिया है। लेकिन ये सब गलत हैं। कम्युनिस्टों की नीति है लोगों को भड़काने की और देश में असन्तोष पैदा करने की। वे तो हड़तालों में विश्वास रखते हैं और हमेशा चाहते हैं किसी न किसी तरह हड़ताल करवाएं और लोगों में असन्तोष पैदा करें। मेरे दोस्तों ने कहा कि इस कानून का उन हड़तालियों के खिलाफ इस्तेमाल किया जाएगा और इसी तरह दूसरों के खिलाफ भी इस्तेमाल किया जाएगा। मैं उन को बता देना चाहता हूँ कि हड़ताल के बारे में तो दूसरा कानून है जिस के जरिये से कि एक हड़ताल गैर कानूनी ठहराई जा सकती है और उसमें इस कानून का इस्तेमाल नहीं किया जा सकता। अभी हाल ही में बैंक कर्मचारियों की हड़ताल होने वाली थी और इसको गैर कानूनी घोषित करने के लिए दूसरा कानून काम में लाया जाने वाला था। कम्युनिस्टों का एक अन्तर्राष्ट्रीय संघटन है। अभी कल ही मैं अखबार में पढ़ रहा था कि एक पैम्फलेट मोस्को से निकला है उस में बताया गया है कि को-एग्जिस्टेंस को, सह-अस्तित्व को कम्युनिस्ट क्या समझते हैं और हम लोग उससे क्या अर्थ निकालते हैं। मैं इसका एक अंश पढ़कर सुनाता हूँ, इस में लिखा है :

"Emphasising and explaining the meaning of peaceful co-existence, that book which has been published in Moscow, says....."

An Hon. Member: What is that you are reading from?

Shri M. P. Mishra: Indian Nation published in Patna, a daily.

[Shri M. P. Mishra]

".....that it is the inevitable consequence of the fact that world-wide victory of communism is to come in stages".

तो कम्युनिस्टों का ध्येय दर्शाता है कि कबजा करना है। लेकिन अभी एंटीम बम्ब का खतरा है, लड़ाई छिड़ जाने का खतरा है, इस लिये वे धीरे धीरे काम कर के संसार पर कब्जा करेंगे। उनके मुताबिक को-एग्जिस्टेंस के ये मानी हैं। तो इस में किसी को शक नहीं होना चाहिए और यह बात बिलकुल साफ है कि इनका एक अन्तर्राष्ट्रीय संघटन है और ये जिस देश में रहते हैं उसके वफादार नहीं हैं। इनकी पालिसी यहां पर नहीं बनती ये तो कहीं और से ही डिक्टेट की जाती हैं। ये राज्य को उखाड़ फेंकना चाहते हैं और उसकी जगह अपनी सरकार, अपनी तबीयत की सरकार, जिस में प्रजातंत्र न रहे, स्थापित करना चाहते हैं। क्योंकि उनका जब राज होगा तो वहां पर प्रजातंत्र का नाम नहीं रहेगा। आज रात को आदमी सो रहा होगा तो कल जेल भेज दिया जाएगा। और उसको इस बात की खबर तक नहीं दी जाएगी। उस पर कोई मुकदमा नहीं चलाया जाएगा। हड़ताल की ही मिसाल ले लीजिए। मैं पछुता चाहता हूं कि किस कम्युनिस्ट देश में हड़ताल जायज है, कहीं भी नहीं। वहां पर तो मजदूर हड़ताल कर ही नहीं सकते। यहां हड़ताल करना भी एक फंडमेंटल राइट है जो कि मजदूरों को दिया गया है, यह इनका कुनियादी हक है। लेकिन कम्युनिस्ट देशों में हड़ताल नहीं होती है क्योंकि वहां उनका यह हक तसलीम ही नहीं किया गया है।

इस एक्ट के मातहत एक आदमी को ज्यादा से ज्यादा एक साल के लिए जेल में रखा जा सकता है और इस दौरान में उसके केस की बाकायदा तौर पर एक ट्रिब्यूनल के जरिये जांच भी की जाती है। अगर कोई एमरजेंसी आ जाए, भगवान न करे कि वह आए, तो हमें कांस्टीट्यूशन को स्थगित करना पड़ेगा और सरकार को भी विशेष अधिकार देने पड़ेंगे और पार्लियामेंट को भी बन्द कर देना पड़ेगा।

राष्ट्रीय स्वयं सेवक संघ और भारतीय जन संघ भी इस देश में दो खतरनाक संस्थाएं हैं जिन का हमें ध्यान रखना होगा। हिन्दू महासभा के कुछ लोगों के नाम तो देखने में आते हैं जिन को इस एक्ट के मातहत बन्द रखा गया है। लेकिन इन दो संस्थाओं में से किसी का नाम देखने में नहीं आता। ये दोनों संस्थाओं का भी लोकतन्त्रात्मक तरीकों में विश्वास नहीं है। ये देश में एक ऐसा राज कायम करना चाहती हैं जैसा कि चार पांच हजार साल पहले हुआ करता था और जिसमें एक ही जाति के लोग रहेंगे। ऐसे राज्य में किसी दूसरी जाति के लोगों के लिए कोई स्थान नहीं होगा और न ही ऐसे राज्य को हम लोक राज्य कह सकेंगे।

श्री बी० जी० बृशपांडः यह आप किस तरह से कह सकते हैं ?

श्री बांगायतः यह उनकी अपनी राय है।

श्री एम० पी० मिश्रः मैं आप की पालिसी को भी समझता हूं। आप भी प्रजातन्त्र में विश्वास नहीं करते। यह भी मैं जानता हूं कि राष्ट्रीय स्वयं सेवक संघ क्या कर रहा है और किन सिद्धान्तों में वह विश्वास रखता है। मैं ने श्री गोलवलकर से भी इस बारे में बातचीत की है और मैं जानता हूं कि उनके दिमाग में क्या है। वे भी कम्युनिस्टों की तरह इस बात में विश्वास रखते हैं कि

We have to find our way elsewhere.

तो मैं एक बात कहना चाहता हूं कि कोई भी सरकार हंड के जोर से हकूमत नहीं कर सकती। हमारी एक प्रजावादी और लोकवादी सरकार है और जो कुछ भी यह कर रही है लोगों के हित के लिए कर रही है। देश में आज कांग्रेस का राज है और जनता कांग्रेस के पीछे है। जनता ने उसे वोट दिया है। कल अगर जनता कांग्रेस के साथ नहीं रहेगी तो कांग्रेस हट जायगी। तो हमें अपने विरोधियों से राजनीतिक मोर्चे पर लड़ना चाहिए। कम्युनिस्ट यूनीवर्सिटियों में जाते हैं, वहां अपनी सेले बनाते हैं। उनके संगठन के हमेशा दो रूप रहते हैं, एक कानूनी और दूसरा गैरकानूनी। वह सांसाइटिया बनाते हैं, वह प्रचार करते हैं और

उनका प्रचार बड़े पैमाने पर होता है। इस प्रचार को आप कैसे रोक सकते हैं? आप रूसी साहित्य को कैसे रोक सकते हैं? वे लोग भाषण देते हैं उनको आप कैसे रोक सकते हैं? यह छोटी छोटी लड़ाइयाँ लड़ने से आप उनको कैसे रोक सकते हैं। जो भी देश में विरोधी दल हैं उनसे लड़ने का एक ही तरीका हो सकता है कि हम उनसे जनता के बीच में लड़ें, हम उनसे उन मोर्चों पर लड़ें जिन पर कि वह हमसे लड़ते हैं। अगर कोई जैसे कानून बना दिया जायगा तो इससे तो पुलिस को आसानी हो जायगी। जो दल भी लड़ना चाहेगा उसको आसानी ही जायगी। वह यह समझेगा कि पुलिस हमारी तरफ से लड़ लेगी हमको क्या करना है। इसीलिए यह गलत चीज है। हमको तो इन सब दलों से राजनीतिक मोर्चों पर ही लड़ना चाहिए। ऐसा हो सकता है कि बहुत स्तरनाक वक्त आ जाय और इस तरह के कानून की आवश्यकता पड़ जाय। हो सकता है कि अन्तर्राष्ट्रीय स्थिति में कोई ऐसा परिवर्तन हो जाय कि इससे भी सख्त कानून की आवश्यकता पड़ जाय। तो उस परिस्थिति के लिए यह चीज ठीक हो सकती है। लेकिन अभी जो रिपोर्ट सरकार ने पेश की है उसके अनुसार तो अधिकांश चोर और डकैतों के विरुद्ध यह कानून काम में लाया गया है, जिनके लिए कि पुलिस के पास काफी ताकत है। आपको पुलिस विभाग के अधिकारियों से इसके लिए पूछना चाहिए कि वे क्यों नहीं इन लोगों पर मुकदमा चला सकते। क्या जो लोग डकैतों को अपने घर में रखते हैं उनके लिए भी प्रिवेन्टिव डिटेन्शन एक्ट की जरूरत है। इनका प्रबन्ध तो पुलिस साधारण कानून के अन्तर्गत ही कर सकती है। मैं समझता हूँ कि अब इस कानून की आवश्यकता नहीं है और वह समय चला गया जब कि इसकी जरूरत देश को थी। इसको पांच बरस हो गये हैं। अब इसको फिर तीन बरस के लिए जारी करने की बात कही जाती है, यह मेरी समझ में नहीं आती।

श्री श्री० जी० ईशाराजः हमारे माननीय

गृहमंत्री जी ने यह प्रस्ताव सदन के सम्मुख रख कर मेरी समझ में बड़ा अन्याय किया है। जिस पद पर वह आये हैं उसके प्रति अन्याय किया है, और जिस संविधान की हम शपथ लेकर आये हैं उसके साथ भी अन्याय किया है। मैंने देखा है कि जब यहां के भूतपूर्व गृहमंत्री और भारत के लॉह पुरुष, सरदार बल्लभभाई पटेल, प्रतिबन्धक स्थानबद्धता विधेयक सदन के सम्मुख लाये थे, तो उन्होंने कहा था कि मुझे दो दिन तक नींद नहीं आयी। उन्होंने यह भी कहा था कि वह इमरजेंसी की वजह से उसको लाये थे। लेकिन हमारे आज के गृहमंत्री कहते हैं कि यह इमरजेंसी मेजर नहीं है, बल्कि यह हमेशा के लिए रहने वाला विधान है। यदि यह हमेशा के लिए रहने वाला विधान है तो हम यह पूछना चाहते हैं कि आप इसको एक साल के लिए, फिर दो साल के लिए और फिर तीन साल के लिए, इस तरह से अरिथमेटिकल प्रोग्रेशन में क्यों बढ़ाना चाहते हैं। जिस प्रकार से आप क्रिमिनल प्रोसीज्योर अमेंडमेंट बिल लाये हैं उसी प्रकार से इस प्रोसीज्योर के बिल को भी ले आइये, जहां कि न दलील होगी, न अपील होगी और न वकील होगा।

यह कहा गया कि हमारे संविधान के तीसरे प्रकरण में जिसमें कि मूल अधिकारों का जिक्र किया गया है उसी में प्रतिबन्धक स्थान बद्धता कानून का भी जिक्र है। मेरे एक मित्र ने कहा कि यह संविधान में एक कलंक है। कहा गया कि ऐसा कहना संविधान की निन्दा करना है। लेकिन ऐसा नहीं है।

एको हि दोषो गुण सन्निपाते ।

निमज्जती किरणेष्वकः ॥

जैसे कि जब कोई यह कहता है कि चन्द्रमा में जो श्यामाता है इससे उसकी शोभा बढ़ती है तो यह निन्दा नहीं है। परन्तु मैं कलंक न-

[श्री वी० जी० दशपांड]

कहते हुए भी वह कहेंगे कि इसका यह अर्थ नहीं है कि इसका दुरुपयोग किया जाये। संविधान ने आपको यह अधिकार दिया है कि यदि कोई विशेष परिस्थिति उत्पन्न हो जाये तो आप व्यक्ति के अधिकारों का संकोच कर सकते हैं। इसका यह अर्थ है कि आपको इस अधिकार का सदुपयोग करना चाहिए। यह अधिकार इसीलिए नहीं दिया गया है कि चाहे विशेष परिस्थिति हो या न हो आप इसका दुरुपयोग कर सकते हैं। दुनिया में अगर सबसे शक्ति पूर्ण पार्लियामेंट कहीं की है तो वह इंग्लैंड की है। जब हम कालेज में पढ़ते थे तो उस पार्लियामेंट की सावरीनटी के बारे में यह कहा जाता था कि सिवाय आदमी को औरत और औरत को आदमी बनाने के इंग्लैंड की पार्लियामेंट और सब कुछ कर सकती है।

उपाध्यक्ष महोदय : अब तो डाक्टर लॉग वेंसा भी कर देंगे हैं।

श्री वी० जी० दशपांड : तो इस प्रकार की सर्व प्रभुत्व सम्पन्न इंग्लैंड की पार्लियामेंट ने भी इस प्रकार का विधान केवल महायुद्ध के समय चलाया था। लेकिन यहां पर आप उसका उपयोग करते हैं चाहे कोई विशेष परिस्थिति हो या न हो। जब सरदार पटेल यहां पर इस प्रकार के विधेयक को लाये थे उस समय भी कोई विशेष परिस्थिति थी यह मैं मानने के लिए तैयार नहीं हूँ। परन्तु कम से कम सरदार पटेल यह जानते थे कि इस प्रकार का कानून लाना बुरा है। जब वह इस कानून को लाये थे तो उनका दिल उनको खा रहा था।

With a guilty conscience, he had come before the House.

लेकिन अब गृहमंत्री का कांशंस इतना क्षण हो गया है कि वह कहते हैं कि विशेष परिस्थिति की कोई जरूरत नहीं है। हमको यह अधिकार कानून ने दिया है। लेकिन मैं कहता हूँ कि आपको संविधान ने जो अधिकार

दिया है उसका उपयोग केवल विशेष परिस्थिति में ही करना चाहिए।

इसके अग्रे अपने एक बड़ी विचित्र दलील दी है। लोग कहते हैं कि कोई भयानक परिस्थिति हो तो इस प्रकार का कानून लाना चाहिए। लेकिन वह कहते हैं कि परिस्थिति बहुत अच्छी है, देश में बड़ी शान्ति है, इसीलिए यह विधेयक रहना चाहिए, क्योंकि इसी के कारण यह अच्छी स्थिति है।

It served as a healthy check.

तां मतलब यह है कि इस कानून को हर हालत में रखा जाना चाहिए। अगर परिस्थिति भयानक है तो इसकी आवश्यकता है उसका सामना करने के लिए, अगर देश में शान्ति है तो इसकी आवश्यकता है उसे कायम रखने के लिए। अभी मैं एक कांग्रेस के मित्र ने जो भाषण दिया है, मैं समझता हूँ कि वह उससे कुछ सीखेंगे। अब उनके दिल वाले भी उनके विरुद्ध जा रहे हैं। हम तो यह देख रहे हैं कि भयानक परिस्थिति को ठीक करने के लिए यह कानून काम में नहीं आता है परन्तु यह विरोधी दिल वालों के विरुद्ध काम में आता है और ऐसी जगह काम में आता है जहां न आना चाहिए। मैं एक उदाहरण देना चाहता हूँ। चीन मामला विचाराधीन है इसीलिए मैं नाम तो नहीं लूंगा, पर मैं सिर्फ यही कहूंगा कि एक जगह लड़के एक बल्लू निकालते हैं, हर्ड कोर्ट को जलाते हैं लेकिन उनको रोकने का कोई प्रयत्न नहीं किया जाता। मंत्री अपने कमरे में बैठ रहते हैं। बाद में जब हाईकोर्ट जला दिया जाता है तो पुलिस बन्दूक लेकर निकलती है और गोली चलाती है जिसमें १०-१२ निरपराध लोग मार जाते हैं। इस प्रकार की घटना को यह कानून किस प्रकार से बचा सकता है यह तो मेरी समझ में आता नहीं है। भयानक परिस्थिति में इसका उपयोग होता नहीं है। अच्छी परिस्थिति में इसकी आवश्यकता नहीं है। अतः एक ही कनक्लूजन इससे निकलता है कि यह विरोधी दलों के दमन के लिए काम में लाया जाता है।

In spite of protests from the Home Minister, I have no doubt in saying that this measure is meant for suppressing the political parties in the country.

कलं हमार गृहमंत्री ने कहा कि एक भी ऐसा उदाहरण दिया जाय कि जिसमें इसका ऐसा उपयोग हुआ हो। आप कहते हैं 'any instance' बताइये, मैं कहता हूं 'any' क्यों मैं 'many instances' बता सकता हूं। बहुत से उदाहरण दूँ सकता हूं परन्तु मैं इस समय केवल एक ही उदाहरण दूंगा। मध्यभारत में जुलाई १९४२ में होने वाले निर्वाचन के सिलसिले में मध्यभारत की हिन्दू सभा के प्रधान पंडित ब्रजेश जी ने मध्यभारत के दो दफा के हार हुए प्रधान मंत्री के विरुद्ध भाषण दिये। रिजल्ट निकलने पर मालूम हुआ कि दोनों जगह पर कांग्रेस की हार हुई। इसके उपरान्त श्री ब्रजेश जी को इस प्रिवेंटिव डिटेंशन एक्ट के अन्तर्गत गिरफ्तार कर लिया गया। उनका यही अपराध था कि उन्होंने भाषण दिये थे। आप समझ सकते हैं कि मंत्रियों का क्रोध कैसा होता है। छः महीने तक उनको डिटेंशन किया गया। उसी के पश्चात् जब हाईकोर्ट के सामने हैंडियस कार्पस की याचिका पेश करने के लिए हमार मित्र निर्मल चन्द्र जी चटर्जी वहां गये तो सरकार ने यह समझ कर कि हाईकोर्ट उनको छोड़ देगी पहले ही से उनको छोड़ दिया। और एक बरक निकाल दिया कि उन्होंने वह अस्पृशक वं दिया है कि हम अगे ऐसे भाषण नहीं देंगे, इसलिए उनको छोड़ दिया गया है। इस पर श्री ब्रजेश जी ने वक्तव्य दिया कि मैं ने जो जो भाषण दिये हैं मैं उनको फिर दूंगा, मैं ने कोई ऐसा अस्पृशक नहीं दिया। तो मैं यह कहता हूं कि इस प्रकार पोलिटिकल विरोधियों को दबाने के लिए इस विधेयक का दुरुपयोग किया जाता है। हम ये बातें अपने गृहमंत्री के आगे रख रहे हैं। इस विधेयक के विरुद्ध फेसल हाई कोर्ट ने और सर्वोच्च न्यायालय ने दिये हैं। हमार गृहमंत्री ने एक बड़े वकील होने के कारण यहां पर जो इन्फारमेशन दी है

उससे कोई खास इन्फारमेशन नहीं मिलती है। उन्होंने जो आंकड़े दिये हैं उनको देखकर वह मालूम होता है कि यह एक गिमती की किताब है। परन्तु यह पढ़ने के पश्चात् कई कन्वीनियंट बातें आपने छोड़ दी हैं, जैसे यह बतलाया गया है कि :

Detenus whose cases of detention orders were upheld by the Advisory Board.....

Number of persons ordered to be released by Advisory Boards.....65.

फिर अगे उसमें ऐसा दिया हुआ है।

Number of detenus released by High Courts.....11.

Number of detenus released by the Supreme Court.....3.

2 P.M.

हम देखने लगे कि वहां हाईकोर्ट्स में कितनी एप्लीकेशंस प्रीवेंटिव डिटेंशन एक्ट के खिलाफ आईं और हाईकोर्ट्स ने कितनों का डिटेंशन अपहोल्ड किया, इसके भी फीगर उसमें हैं लेकिन व्हीक उससे उनको बल नहीं मिलता इसलिये उस फीगर को नहीं दिया गया। लेकिन मैं जानता हूं और मैंने वहां एक दफा सवाल भी पूछा था कि दिल्ली के अन्दर सुप्रीम कोर्ट ने डिटेंशन एक्ट के सिलसिले में कितनी हैंडस कारपस पेटिशनस आई थीं उनमें से कितने छूट गये और कितनों का प्रीवेंटिव डिटेंशन एक्ट के मातहत डिटेंशन अपहोल्ड किया गया और यहां जबाब में बतलाया गया कि अपहोल्ड होने वाले केस तो एक आध ही हांगें और हमने देखा है कि सुप्रीम कोर्ट के सामने जितने ऐसे केसेज जाते हैं तो सुप्रीम कोर्ट उन पर निर्णय करते समय इस बात को ध्यान में रखता है कि व्यक्तियों के स्वातंत्र्य पर जब इस प्रकार का आघात होता है तब न्यायालय को यह देखना होता है कि डिटेंशन की गारण्टी जो दी गयी है वह ठीक है या नहीं, वेग तो नहीं है। मुझे स्वयं अपना केस स्मरण है कि जब मुझे एक दफा जलन्धर में गिरफ्तार करने के पश्चात् दिल्ली में लाया

[श्री बी० जी० दशपांड]

गया और यह मेरा बड़ा भारी सौभाग्य है कि डाक्टर काटज़ का जो यह तथाकथित व्यक्ति की स्वतंत्रता की रक्षा करने वाला यह विधान है उस विधान के अन्तर्गत पार्लियामेंट का सदस्य होने के पश्चात् मुझे भी तीन दफा इस प्रीवीन्टिव डिटेंशन एक्ट में जेल में जाना पड़ा और स्वतंत्रता प्राप्ति के पश्चात् से आज तक मुझे ६ मर्तबा इस प्रीवीन्टिव डिटेंशन एक्ट में जेल में जाना पड़ा है और मेरे केस में न्यायालय ने सौलिसिटर जनरल को कहा है कि आपके सरकारी अफसर लोग इस प्रकार की बंग गाउन्ड्स लिखते हैं जो कि काफी नहीं हैं। यह चीज़ गवर्नमेंट के नॉटिस में लायी गयी है लेकिन इसके पश्चात् भी हम देखते हैं कि बड़ी लाइटली लोगों की लिबरटी के साथ आप खेलते हो। श्री राजगोपालाचार्य ने भी कहा था कि अगर इस प्रकार की बंकायदगी कोई अफसर करता पाया जायगा तो वेरी सीरियस नॉटिस विल बी टर्केन आफ हिम। और उसका ऐसा कार्य स्टेट और राज्य के खिलाफ उसने अपराध किया है, ऐसा समझा जायगा। लेकिन इस प्रीवीन्टिव डिटेंशन एक्ट के चार वर्ष के पूरे इतिहास में एक भी अधिकारी को कहीं इसके लिये सजा दी गयी हो, यह हमारे देखने में नहीं आया। इस प्रकार की बातें जब प्रीवीन्टिव डिटेंशन एक्ट में चलती हैं तब कम्युनिस्ट पार्टी का भी बड़ा नाम लिया जाता है और यह कहा जाता है कि कम्युनिस्ट पार्टी ने यह किया वह किया और मार्क्स का नाम लिया जाता है, मैं आपसे बतलाना चाहता हूँ कि मुझे तो कभी कभी बड़ा आश्चर्य होता है। मैं कम्युनिस्ट पार्टी का बड़ा प्रेमी नहीं हूँ, बल्कि विरोधक हूँ, मेरा उनके साथ विरोध है लेकिन कांग्रेस पार्टी समय असमय उनका गाली दे, ऐसी कोई बात मार्क्स में है, ऐसा मैं समझता नहीं। मार्क्स के बहुत से सिद्धान्त काफी अच्छे हैं और कांग्रेस वाले तो उनको बहुत अच्छा मानते हैं और उन सिद्धान्तों के बहुत बड़े प्रशंसक हैं। मैं कांग्रेस में और कम्युनिस्ट पार्टी में उतना ही फर्क समझता हूँ जितना फर्क एक

कॉन्ट्रीपलर और बटरफ्लाई में होता है, जितना फर्क इन दोनों में होता है उतना ही फर्क मैं कांग्रेस पार्टी और कम्युनिस्ट पार्टी में समझता हूँ। उनकी ही अन्तर्राष्ट्रीय और आर्थिक नीति के कारण कम्युनिस्ट पार्टी को रोज बल मिल रहा है। हमारे शासक गण अन्तर्राष्ट्रीय दृष्टि से रोज आये दिन कम्युनिस्ट पार्टी की स्तुति सी करते दिखते हैं, केवल यह जाँ यहां पन्ज़र बीस आदमी बैठे हुए हैं वे खराब हैं, बाकी जितना तत्वज्ञान है वह उनका अच्छा है और कम्युनिज्म के सिद्धान्तों को आप अच्छा मानते हो और कहते हो कि कम्युनिज्म अच्छा है लेकिन यहां हम देखते हैं कि आप उनका घर में विरोध करते हो तो हमारी समझ में तो यह आता है कि यह दल की नीति आपकी चल रही है। इस कानून को जारी रखने के लिये नाम तो देंगे और बगावत का लिया जाता है लेकिन इस कानून का सरकार द्वारा प्रयोग किये जाने में हमने देखा है कि पार्लियामेंट के अन्दर या स्टेट को उखाड़ने वाले डाक्टर श्यामप्रसाद मुखर्जी समझे गये, स्टेट का नाश करने वाले श्री एन० सी० चटर्जी और हमारे श्री नन्द लाल शर्मा समझे गये और इसी प्रकार के लोग इस प्रतिबंधक स्थान बढ़ता विधेयक के अन्तर्गत पकड़े गये, किसी कम्युनिस्ट पार्टी के भाई को इस एक्ट के मातहत पकड़ना चाहिये यह मेरा कहना नहीं है, यह तो कहने का एक ढंग है। मैं तो समझता हूँ कि यह शस्त्र उन्होंने अपने हाथ में इस आशय से ले रक्खा है कि जो कोई उनके खिलाफ होगा, जो कोई राजनीतिक दृष्टि से उनका विरोध करेगा, उनका विरोध करने के लिये और दवाने के लिये इस शस्त्र का उपयोग किया जायगा।

अन्त में मैं एक ही विषय पर और बोलना चाहता हूँ और वह जम्मू और काश्मीर के सम्बन्ध में है। जम्मू और काश्मीर हिन्दूस्तान का एक अविभाज्य भाग है। यह प्रीवीन्टिव डिटेंशन एक्ट आपने पहले थोड़े हिस्सों के लिये लगाया था।

जम्मू और काश्मीर के डिर्टेशन एक्ट के अन्दर हमारे सर्वोच्च न्यायालय को उस पर अधिकार नहीं था और उसके कारण हमने देखा कि हिन्दुस्तान का एक महान् सुपुत्र डाक्टर श्यामप्रसाद मुखर्जी जम्मू और काश्मीर के प्रतिबंधक स्थानबद्धता विधेयक के अन्दर वहाँ कड़े किये गये और वहीं पर उनकी मृत्यु हो गयी और इस चीज को हम कभी भूल नहीं सकते हैं परन्तु मैं यह बताना चाहता हूँ कि आज जिनके नाम की मेरे मित्र श्री अशोक मेहता दुहाई द रहे थे और कह रहे थे कि वहाँ की जनता उनके लिये अपने हृदय में एक बड़ा आदर का भाव रखती हैं वे लोग आज स्थानबद्ध हैं, मेरी उनके साथ इस सम्बन्ध में बिलकुल सहानुभूति नहीं है, क्योंकि ये वही लोग हैं जो काश्मीर और हिन्दुस्तान एक न हो, इसके लिये आन्दोलन कर रहे थे। जम्मू और काश्मीर को हम सब हिन्दुस्तान का एक भाग बनाना चाहते हैं और ऐसी भावना रखते हुए उसे इस विधान के अधिकार क्षेत्र से बाहर रखना ठीक न होगा।

अखिर मैं मुझे एक ही बात कहनी है और वह यह है कि इस विधान के सम्बन्ध में जो फीगर्स हैं वह भी बराबर हैं या नहीं, इसके बारे में मुझे शक है क्योंकि मध्य भारत में जितने स्थानबद्ध लोगों की मेरे पास रिपोर्टें हैं उतनी संख्या इसमें नहीं मिल रही है और इन सब को भाषणों के लिये कड़े किया है और उनके डिर्टेशन के सम्बन्ध में इन्फारमेशन दते वक्त ये बातें बतलायी गयी हैं :

'Indulging in such activities or preaching violence.'

उसमें उन्होंने यह कहा कि इन भाषणों में उन्होंने वायलेंस का प्रचार किया था। आप इस कानून का इस तौर पर उपयोग कर रहे हैं और मेरा तो कहना है कि इतनी थोड़ी आवश्यकता जब आपको इसके उपयोग की पड़ी है और देश के अन्दर जो उदाहरण आपने दिये हैं कि घर जलाये गये, दुकानें जलाई गयीं और बाकी बातें हुई, उन बातों को रोकने के लिये प्रीवीन्टिव डिर्टेशन एक्ट का उपयोग नहीं हुआ

तो फिर मेरी समझ में नहीं आता कि इसको रखने की क्या आवश्यकता है ? जैसे कि आपने उदाहरण दिया कि हाईकोर्ट जलाया गया, मैं पूछूँ कि जलाने के पहले कितने लोगों को आपने इस प्रीवीन्टिव डिर्टेशन एक्ट में कड़े करके रखा, उसका उपयोग उन बातों में नहीं हो सका। आपकी सरकार में न न्याय है और न अधिकार दमता है, आर्थिक स्थिति लोगों की अच्छी नहीं है और इस कारण यह प्रीवीन्टिव डिर्टेशन एक्ट इस देश के ऊपर और डेमाक्रेंसी के ऊपर एक महान् कलंक है कि यह शस्त्र सरकार अपने हाथ में केवल इसलिये रखना चाहती है कि जो उसके राजनीतिक विरोधी हैं उनको कुचलने के लिये दबाने के लिये और देश में एक डिक्टेटरशिप पैदा हो इसके लिये इस एक्ट का उपयोग हो रहा है और इस कारण से मैं इसका विरोध करना चाहता हूँ।

Shri Tek Chand (Ambala-Simla): If a question were to be put to me whether I liked the Preventive Detention Act, without any compunction, without any mental reservation, I would make bold to say, 'I loath it'.

Dr. N. B. Khare (Gwalior): But he will vote for it.

Shri Tek Chand: If I were asked, 'Do you consider it to be necessary?'. my answer would be in the affirmative, it is, painful as it is, a painful necessity. Democracy in my country today is a sapling. It has not yet risen to the strength or height of a sturdy oak. The number of weeds and vermins is legion. There are also rats with sharp teeth.....

Dr. N. B. Khare: Why not white ants also?

Shri Tek Chand: This sapling has to be protected against rats, against vermins too.

Shri V. G. Deshpande: White ants also.

Shri Tek Chand: If democracy were thriving under Utopian conditions any such provision would be styled as a stigma, as a stain and as a blot. If

[Shri Tek Chand]

the conditions prevailing in our country were ideological, I would be the first to raise my voice in protest against the retention of such a measure.

An Hon. Member: You won't do it.

Shri Tek Chand: But, when I turn round and see that the people of this country are capable of being guilty of espionage, they can conduct themselves in a manner not only subversive of law, not only in a manner subversive of peace but also in a manner subversive of the stability of the State, I feel that against such people the retention of such a weapon in the administrative armoury of the State is absolutely imperative. Therefore, the circumstances leading up to the retention of such a measure have two aspects—the silvery and the seamy. I see that this Act has been enforced with a certain amount of circumspection, with a certain amount of laudable moderation and, I have no doubt, in counselling the Government that a certain amount of vigilance is absolutely necessary not only when you are exercising the powers under the Act but even after those powers have been exercised, in order to make sure, as a result of reconsideration and review and a certain sifting of the facts and reports to make as certain as is humanly possible that the wrong man has not been put behind the bars.

But, one thing curious, one thing amazing that I notice today is, that during the course of this debate, democracy has found curious champions. I am indebted to my hon. friend who the other day said, referring to some of his friends on the right, that they were the hangmen of democracy, the executioners of freedom. They are today the champions of freedom and democracy. That is a little paradoxical. Her Satanic Majesty is sitting to cite scriptures. And, one is really bewildered that those who do not swear by democracy, but who swear at democracy are shedding copious crocodile tears that democracy is being hurt, democracy is being pained and injured

by the enactment of those laws. The pretensions of such people are too patent and too obvious to require further examination and scrutiny. Therefore, so long as in this country there is the possibility of a single spy committing the most outrageous offence known to law, of espionage, such a person deserves no pity, deserves no sympathy. But, what does the hon. Home Minister do? He says, "All right, if you are prepared to behave in this manner, I will not treat you in this manner in which Beria was treated, I am not going to deprive you of your life, I am not going to launch you into eternity with the assistance of the firing squad....."

Mr. Deputy-Speaker: Who is Beria?

Shri Tek Chand: But, Sir, Beria is buried; but the manner in which.....

Mr. Deputy-Speaker: Buried alive?

Shri Tek Chand: He was buried and his burial is a noticeable fact of history. All that this Act enacts is that such an anti-social person who forfeits the right of even breathing and living in a country from which certain of the hon. friends derive their mental manna, sustenance and inspiration today, should be detained. They say that such an Act ought not to besmirch the statute-book of this country. So long as their violent propensities, so long as their violent predilections cannot be curbed, cannot be prevented, democracy has to live and democracy has to be protected, democracy has to be sustained despite them and despite their endeavours.

Dr. N. B. Khare: Hypocrisy has also to live.

Mr. Deputy-Speaker: The hon. Member is exhausting his right of speech.

Dr. N. B. Khare: *Obiter dicta*; nothing else.

Shri Tek Chand: There are certain people who have to be protected from themselves and the last interjection was from that category. There are people who are incapable of acting in

a manner guaranteeing sufficient safety unto themselves. Even they have to be protected. But there is one thing. No doubt, a measure like this is almost like a surgeon's knife, it cuts but to cure. The surgeon hurts to heal. But, I will submit with all the emphasis at my command, exercise your powers after a good deal of close circumspection. I have no doubt you do exercise these powers in cases where you are driven to do so. After you have done so, see that your administration checks those instances where such a power has been exercised in order to make sure that they have committed no mistakes. Mistakes in a case like that are extremely painful, extremely improper and we should see that in the operation of this Act, as far as is humanly possible, there is no injustice. With these cautionary suggestions, I commend this Bill for the acceptance of this House.

Shri N. M. Lingam (Coimbatore): I have been listening to the speeches from some of the Members opposite very attentively.....

Acharya Kripalani (Bhogalpur cum Purnea): The last speaker was not from the side opposite.

Shri N. M. Lingam: I have heard him also but I feel that Members have not gone into the crux of the matter.

Hon. Members have referred to the genesis of the Bill. Repeated references were made to Sardar Patel and **Shri C. Rajagopalachari who conceived the Bill in the beginning and explained** how it should be worked. It was contended that circumstances that obtained in the country then are no longer present today and, therefore, there is no need for the Bill.

Again, one hon. Member said that we are having peace and prosperity in the country.

Acharya Kripalani: Government was saying that.

Shri N. M. Lingam: And **Shri Asoka Mehta** agreed with the Government. So, on this ground also they say that there is no need for a measure of this

kind. But, I would, with all respect, point out the background that necessitated the continuation of a measure of this kind.

It is true that this measure is obnoxious in the abstract. But, we have to face realities. We have to take into consideration the backgrounds in which we are enacting this measure. Our country, the House knows, has passed through, and is, perhaps, still passing through a great upheaval and upheaval which is rarely witnessed in the world. Whenever there is an upheaval it releases in its wake great forces. It is like swollen rivers. It releases the energy of the people and unless these tremendous energies released are canalised, it will cause devastation in its course. To give an analogy, we have the turbulent rivers. If the rivers are harnessed, if they are tamed, they bring prosperity and peace. They give light and they give life. But, if these rivers are not tamed, they cause destruction.

We are in a similar situation. The energy released in the country after the attainment of independence is so great that we have to be careful in seeing that this energy is harnessed to the welfare of the country. It was thought in the beginning when a measure of this kind was introduced that the necessity of it would be short-lived. It is true to say that the original sponsors of the Bill did not envisage continuation of this measure indefinitely. But, experience has shown that a measure of this kind is still necessary.

Criticisms have been levelled that the measure is extended till the year 1957 so that the party in power may avail of this Bill to come back to power once again after the next elections. But, I would point out, Sir, that we, on this side of the House, accept the challenge thrown by the hon. Leader of the Communist Party when he said that this must be made an issue in the coming elections in Andhra. I would go one step further and say that the Members opposite have an opportunity to make this an issue not

[Shri N. M. Lingam]

only in Andhra, but throughout the country in the next general elections.

Shrimati Renu Chakravarty: We will do it; don't forget.

Shri N. M. Lingam: After all, in the last analysis, it is the decision of the party in power. We have felt the necessity of this Bill and we are prepared to stand by the verdict of the people which will be known after the next general elections throughout the country.

I would only go into a few aspects of the question before I conclude my speech.

Shri Nand Lal Sharma (Sikar): So, you need Preventive Detention Act for the next general elections?

Shri N. M. Lingam: I do not propose to be interrupted like this.

The Members opposite have been saying that democracy is at peril and the party that has brought forward this measure does not speak for the country. I should like to point out that a paper which is not particularly friendly to the Congress Party has described the techniques of the Communist Party in the following terms—I refer to the *Blitz*:

“At the same time, Communists cannot be absolved of provocations which seem to us as futile as they are unwarranted in the present national and international context. Having repudiated the violence of Telengana which at any rate had a goal before it and a purpose behind, they have since resorted to violent and absolutely sterile phrase-mongering and wordy-warfare by way of a sop to their frustrated Marxist-revolutionary conscience.

Prejudiced as Nehru undoubtedly is against the Communist Party, his criticism is not wholly on the mark. It is true, for example, that Indian Communists stick to theories and slogans of

19th-century Europe which bear no relation to India’.

Lest our hide-bound (or shall we say Marx-bound!) Reds dismiss this as reactionary balderdash, we must remind them that a very similar warning was put in more vigorous language by Mao Tse-tung, the world's greatest Communist leader and theoretician today, to his Chinese comrades, when he told them that ‘dogma was worse than cow-dung because dung at least has its uses.’

We offer the same advice in all sincerity to our Communist friends. The time has come for them to face facts of the history of their own country, appreciate and even invite positive criticism, undogmatic controversy and a realistic revaluation of their policy and strategy.”

This is what a paper, which, if anything, was pro-Communist, says about the techniques of the Communist Party which opposes this Bill tooth and nail. So, I appeal to them to review their position. It is true, in a Parliament—in a House—like this, it is natural for the Party opposite to exploit a Bill like this for political purposes and to direct their guns against, what they consider, this most vulnerable part of the Government. But, I would ask them to go deeper. I would appeal to them to change their ways.

Shri Asoka Mehta was saying that there were other techniques by which Government should tackle this problem of the opposition which does not see eye to eye with the Government. But, unfortunately, he did not say what exactly the technique was. He failed to mention any alternative to the present Bill before the House. He referred to points of contact, common points of view and the areas of agreement. But, he did not say how a common front could be evolved out of this; what other technique the Government should have brought forward

or applied to meet the situation which is obtaining in the country today.

I have a tendency to go to fundamentals and I would say to my friends opposite that their attempt to change the course of the country is doomed to failure. We have a national life of 5000 years. The experience of 300 million people for 5000 years cannot be set at naught. So, the sooner our friends realise this and understand the national ideals, the better for the country. We, on this side, assure them that it is not our intention to impose a Bill of this kind in the teeth of opposition, but we are firmly convinced that our young democracy should be protected by a fence of this kind. Unless this is done, we will lose our feet and will be lost in the great forest of ideologies and ideas in which the country sometimes finds itself engulfed.

Another reason why we should be wary of the situation in the country is that we are engaged in an era of construction on a grand scale. We want peace and tranquillity in the country. It is common knowledge that everywhere there is unrest. In the kisan world, in the student world and in the industrial field, strikes are on the increase.

An Hon. Member: Why?

Shri N. M. Lingam: Communalism raises its ugly head periodically. So, it is of the utmost importance that we do not allow the national energies to be dissipated.

Acharya Kripalani: Chatterjee has no ugly head.

Shri N. M. Lingam: Let me not be misunderstood. I realise that hon. Members are as great patriots as anyone here claims to be.

Dr. Khare: Thank you for the courtesy.

Shri N. M. Lingam: But, I would, with all respect, point out to them that their ways are not conducive to the good of the country. They may try to win debating points; they may

try to strengthen the political parties, but their ways are not going to help in contributing to the consolidation of peace that we have recently secured. They are not going to help in the consolidation of freedom. We are passing still through a stage of transition. Independence, which was ushered in the year 1947, though a major factor in itself, was not all that we had to contend with. The whole world was, and still is, in the midst of a cataclysmic change and we had several internal problems also, like the problem of the refugees and the problem of controls. I would ask my friends opposite to view this problem in its proper perspective. We will not keep this Bill on the Statute Book a day longer than is necessary, but it looks as if the transitional stage will be a fairly long one, and, at worst, it will be a lesser evil if we continue a measure of this kind, lest we should, in our enthusiasm for democratic processes and for building up democratic traditions, cast away all precautions or steps that are necessary to safeguard our freedom.

I have a few words more before I sit down.

Mr. Deputy-Speaker: Then, the hon. Member may continue on some other day.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS FIFTEENTH REPORT

Mr. Deputy-Speaker: The House will now proceed with the Private Members' business. As the House is aware, the consideration of the Fifteenth Report of the Committee on Private Members' Bills and Resolutions was postponed on the 26th November, 1954 so as to enable hon. Members to table amendments to the Report if they so desired. Only one amendment to the Report has been received from Sardar Amar Singh Saigal.

Sardar Saigal is absent and therefore that amendment cannot be moved. The discussion was over on that day itself.