

THE REAL FACE AND
PURPOSE OF
THE "CRIMINAL LAW
AMENDMENT ACT"

(*As passed by the Parliament*)

WEST BENGAL STATE COUNCIL
COMMUNIST PARTY OF INDIA

PREFACE

At the Durgapur Session of the All India Congress Committee, some Congress leaders, in their usual anti-Communist outpourings, demanded that the recently passed Criminal Law Amendment Act be used to strike down the Communists and in effect, attack the democratic movement. It is understandable that the West Bengal Congress chieftain Shri Atulya Ghosh should have been in the forefront of this Durgapur tough-talk.

No one need be surprised at this hate and fury against the Communist Party on the part of Shri Atulya Ghosh and others. The heroic patriotic demonstration of the people of West Bengal just a little distance away from the A.I.C.C. venue against the Silchar blood-bath by the Congress rulers must have further ruffled their anti-Communist tempers.

However, Durgapur provided another proof of the utter bad faith of the Congress leaders. They need the Criminal Law Amendment Act to harass and attack the Communist Party and the democratic mass movement.

The speeches in Parliament on this Bill earlier by some members of the ruling party and the professional anti-Communists like the gentlemen of the P.S.P., Jan Sangh and the Swatantra Party and now the Durgapur performance, with the Union Home Minister Shri Lal Bahadur Shastri, joining in that tedious anti-Communist chorus, would leave no room for doubt about the reasons for their great enthusiasm for this extra-ordinary piece of legislation. It may be mentioned here that this measure has been welcomed in the imperialist circles abroad.

gun-running and other nefarious activities, undermining India's position and its foreign policy. Some of the misdeeds were exposed in Parliament from Patterson's own confessions.

In the Meerut and Delhi National Council Resolutions of our Party, our stand on the India-China border question has been made well-known to the whole country. We Communists unequivocally stand for the territorial integrity of our country and we are second to none in upholding it. But then we are aware that this cannot satisfy those who hate the Communists more than they love their country or those who want to, as Shri Jai Prakash Narain has said, "make into a football to be kicked about" with this border issue.

The way the tragic India-China border question is demagogically exploited by the Congress and the pathologically anti-Communists in the P.S.P. and the forces of right reaction like the Jan Sangh and Swatantra Party for furthering their narrow partisan ends brings no credit to our public life. Let alone the elections, the border issue is dragged in and utilised to disrupt and attack popular mass agitations and mass actions like the Central Government Employees' Strike, movement for food, land and better wages, or against high prices and high taxes. This should make the game plain enough for all to see through.

Despicable methods were adopted by some Congress Ministers in order to prepare the background and the situation for the introduction of the bill in Parliament. A few questions on the alleged anti-Communist stand and activities of Communists in the border area were posed in the Parliament by professional anti-Communists and others and replies were given by Ministers including the

Although the Criminal Law Amendment Bill was sponsored in the name of protecting the territorial integrity of the country, its actual provisions, however, go far beyond. They arm the Executive and Police with excessive, arbitrary powers to suppress legitimate trade union and other forms of democratic activities of the working people in certain areas. They enable the Government and its officers including petty police officers to assail, at will, the fundamental rights and liberties of the people and the Press and intimidate them. The evil design of the Congress rulers and the right-wing is sought to be disguised and carried out with the help of this measure.

It will be noted that of all people Shri Atulya Ghosh, about whose personal and political integrity the less said the better, waxed eloquent at Durgapur on the integrity of our border and indulged in totally baseless fabrications against the Communist Party. Every word he uttered against our Party's activities in the border areas or in the other parts of the State was a blatant lie and he knew that he was lying. By such provocations and lies, Shri Atulya Ghosh and his friends perhaps want to divert people's attention from their crimes in West Bengal. And we will no doubt see more of this crude stunt as the General Election comes nearer.

Since 1951 for a whole period of nine years, George N. Patterson and other imperialist agents were carrying on, on Patterson's own admission, espionage and other subversive activities in the Kalimpong border area without any let or hindrance. The Congress leaders of West Bengal and their High Command had nothing to say or worry about. In fact, the Central Government slept when Patterson helped to organise Tibetan rebels,

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propaganda to the contrary was designed to bring the CPI into disrepute; that China has granted regional autonomy to the minority communities and she was manning her borders to meet likely aggression by America through Indian territory; (laughter) that China would help India in the event of an attack on India by Pakistan."

Giving another instance, Mr. Nehru said: "At a secret meeting of C.P.I. members held in Garhwal on April 13th, 1960 Mr. Krishna Bhatt endorsed the claim of China over certain parts of India and said that there were two villages near Joshimath in Chamoli District—Chanyee and Thanyee—the names of which clearly indicated that those areas were under Chinese occupation at one time."

"At a meeting of the party held in Simla on September 14th, 1960. Mr. Kameshwar Pandit, Secretary of the Himachal Pradesh Council, said that India should give concessions to the Chinese in Ladakh by acknowledging their suzerainty over the disputed area through which the Chinese had constructed a road, while on the eastern border, China should withdraw her claim to the territory situated across the McMahon Line in India."

**ADJOURNMENT MOTION IN THE WEST BENGAL
LEGISLATIVE ASSEMBLY—TABLED BY THE
LEADER OF THE OPPOSITION, SHRI JYOTI
BASU—22ND NOV., 1960**

Shri Jyoti Basu: Mr. Speaker, Sir, I had given notice of an adjournment motion but you have been pleased to refuse consent and since you have given no reason for

PRIME MINISTER SHRI NEHRU'S STATEMENT
IN LOK SABHA (21ST NOV. 1960) ON THE
ALLEGED ANTI-STATE ACTIVITIES OF THE
COMMUNISTS IN THE BORDER AREAS

(From "The Statesman"—22nd November, 1960)

An adjournment motion on the Indian Communist Party's anti-national activities in the border areas again brought the border dispute into discussion.

Mr. Nehru enlarged on a "Statesman" report—on which the adjournment motion was based—and gave further details.

It was true, Mr. Nehru explained, that Indian Communists were conducting anti-national propaganda—although on "a less public scale" than before. The States were, however, alive to the situation in the new border districts as also in Kalimpong.

This brought Mr. Hiren Mukherjee (Com.) to his feet. He said it was unfair to make general allegations against his party since "we ourselves want to know who is conducting treasonable propaganda." "We are here to answer charges," he declared.

Mr. Nehru thereupon gave three instances—naming three members of the Communist Party including a West Bengal M.L.A.—to prove his point.

Stating that he would give one or two instances "rather reluctantly," Mr. Nehru said that he did not want to make it a precedent.

"At the district Executive Committee meeting of the C.P.I. held on October 8 at Darjeeling," Mr. Nehru said, "Mr. S. N. Majumdar, M.L.A., urged C.P.I. workers to conduct propaganda on the Sino-Indian border issue on the lines that China would never attack India, and any

Therefore I thought it was a matter of urgent public importance.

Mr. Speaker: I have considered every bit of the aspect. You know the reasons. It is a long note. If you want, Secretary will show you the file.

Shri Jyoti Basu: It is very important that we should know the reasons because the Speaker of the Lok Sabha says it is urgent and you, Sir, in your wisdom think it is not important and you have rejected it.

Mr. Speaker: Please Mr. Basu, you know the reasons.

Shri Jyoti Basu: I would like to know, after I have finished reading my motion, as to what is the reason, because the Lok Sabha Speaker talk about "treasonable activities." We would like to know everything. If we are to be put on the dock, let us be put on the dock, but we would like to know from the members of the Congress benches and specially the Ministers as to what these activities are and we claim this statement of the Prime Minister to be absolutely untrue and unfounded and it is unfortunate that a person like Pandit Nehru makes such a statement.

Now I read the adjournment motion. "The proceedings of the Assembly do now adjourn to discuss a matter of urgent public importance and of recent occurrence, namely, the grave statement of the Prime Minister in the Lok Sabha on 21st November, 1960, (1) with particular reference to the alleged anti-Indian activities of alleged Communists in the India-China border areas including Kalimpong, and (2) with reference to the alleged speech of Shri Satyendra Narayan Mazumdar, M.L.A., in an executive meeting of the Darjeeling District Council of the Communist Party of India sent to the Prime Minister by the secret police of West Bengal."

your refusal, I would just draw your attention to one particular aspect of this matter. I do not know whether it has been brought to your notice by anybody.

Mr. Speaker: Everybody has read it in the newspapers.

Shri Jyoti Basu: I do not know whether you have seen this because having read this particular paragraph I gave notice of the adjournment motion, otherwise I would not have given notice of the motion. I read it from one of the papers. "The Speaker said"—the Speaker means the Speaker of the Lok Sabha—"that the adjournment motion raised a serious question since no political party could work against the country's interests. He would have allowed the adjournment motion, he added, but for the fact that the question would come for discussion in tomorrow's foreign affairs debate." That is, today a debate is being held on foreign affairs. Therefore the Speaker thought that he could not allow the adjournment motion and therefore I thought that since the Prime Minister has raised a question with regard to anti-Indian activities in West Bengal and also he has referred to a member of the West Bengal Legislative Assembly, Shri Satyendra Narayan Mazumdar, and his alleged speech in some secret meeting of the Communist Party, it was a matter not only for the Communist Party but it is also a matter for the entire country. We are interested as much as anybody else as to what these activities are and as to what the Government is doing in Kalimpong and elsewhere. We would like everything to be put on the table. Why this surreptitious attitude? Untrue statements are being made by the Prime Minister of India. It is extremely unfortunate that such things have happened. Have you considered this aspect?

charges against the Communist Party and Shri Satyendra Narayan Mazumdar.

SHRI SATYENDRA NARAYAN MAZUMDAR'S
STATEMENT IN THE ASSEMBLY

(*West Bengal Legislative Proceedings dated
22nd November, 1960*)

Shri Satyendra Narayan Mazumdar: Sir, first of all I want to say that the statement made by the Prime Minister is not only based upon false police report, it is unprecedented as well. Because I know that, such procedure particularly, is not followed in the Lok Sabha. In the Lok Sabha no reference is made about a person who is not present there and who has no opportunity to put his own case. Even any reference about Government officers is objected to by the Prime Minister himself. Therefore I say that the reference about a person who is not present and who has no opportunity to put his own case is an unprecedented event. Secondly, the speech referred to by him is not the speech of a public meeting. He has said, that I made the speech in a meeting of the District Executive Committee. How could he get the report of the District Executive Committee meeting which is composed of District Executive Committee members? It has been sent either by the State Government Police or by the Central Intelligence Police. I want to state that no such matter was discussed in the meeting of the District Executive Committee. My personal view on the border dispute is well known. The main point of the resolution adopted at the meeting of the National Council of our Party held at Meerut is that, we want peace-

This is my motion, this is how it reads. Now, I would like to know from you how is it that you have not given your consent. I again claim that the Prime Minister on police report, a thing unheard of in the annals of parliamentary history—makes a statement in the Parliament against a party.

Mr. Speaker: Mr. Basu, I request you to take your seat.

Shri Jyoti Basu: Mr. Speaker, I do not want to make a speech. I want to know your reasons.

Shri Ananda Gopal Mukhopadhyay: Sir, this cannot be allowed.

Shri Jyoti Basu: Mr. Speaker, supposing all these charges are correct—my friends there are agitated—supposing all these charges are correct against the members of the Communist Party, as Mr. Nehru says, then is it not the job of even the Communist Party of India to know? Therefore, let them answer. I want the Congress Ministers to give an answer. Those Congress Ministers who have sent the said police report are answerable about these charges.

Mr. Speaker: I may tell you that among other reasons, this is a matter which ought to be ventilated in the Central Parliament. (Shri Jyoti Basu: Why?) I tell you that this is my decision. This is not a matter over which we can have jurisdiction. Indo-China border dispute is a Central subject.

So far as the speech is concerned, I take it as a private speech. So, I have disallowed it.

Shri Jyoti Basu: Kalimpong has been mentioned. It is within West Bengal, and therefore, it is within our jurisdiction.

The Speaker did not give permission to discuss the

a manner which is, or is likely to be prejudicial to the interests of the safety or security of India, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

3. "(1) If the Central Government considers that in the interests of the safety or security of India or in the public interest, it is necessary or expedient so to do, it may, by notification in the Official Gazette, declare any area adjoining the frontiers of India to be a notified area; and thereupon, for so long as the notification is in force, such area shall be notified area for the purposes of this Section.

(2) "Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is, or is likely to be prejudicial to the maintenance of public order or essential supplies or services in the said area to the interests of the safety or security of India, shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

(3) "On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, a notification issued under Sub-Section (1), no person who was not immediately before the said day resident in the area declared to be a notified area by the notification shall enter or attempt to enter that area or be therein except in accordance with the terms of a permit in writing granted to him by a person, not below the rank of a magistrate of the first class, specified in the said notification.

(4) "Any Police Officer, not below the rank of Sub-Inspector of Police, may search any person entering or attempting to enter, or being in, or leaving, a notified area and any vehicle, vessel, animal or article brought

ful settlement of the Sino-Indian border dispute. This is what I have stated in various places; I have stated that in various meetings. Last year, on the floor of this Assembly I stated that in my speech on the same subject. And even now we follow the same policy. We do not say one thing inside the Party and another thing outside. We speak on the basis of our Party policy. Therefore I am compelled to say that what has been stated by Pandit Nehru is not at all true. And his conduct also is not proper. Because, any person can be insulted by throwing any remark against him on the basis of police report. This is something unprecedented. That is why I want to say, I want to ask the Chief Minister and the Police Minister:—Who have sent this police report? If this is so then any remark can be made against any person of any party and that will be circulated throughout India and throughout the world without any chance of protest.

Sir, I am grateful to you for giving me an opportunity to present my case. But not all persons of all places have that opportunity. Everywhere we make speeches on the basis of the Meerut resolution of our Party. We educate our Party members on the basis of our Party policy. Therefore I condemn the statement of the Prime Minister made on the basis of the police report.

THE MAIN PROVISIONS OF THE CRIMINAL LAW AMENDMENT BILL, 1961.

(As passed by Lok Sabha on 24th April, 1961)

2. "Whoever by words either spoken or written, or by signs, or by visible representation for otherwise, questions the territorial integrity or frontiers of India in

INDRAJIT GUPTA'S SPEECH ON BORDER BILL IN THE LOK SABHA

New Delhi. April, 25: Following are the extracts of Indrajit Gupta's speech in Lok Sabha on April 24th, during the debate on the Bill supplementing the criminal law to punish anybody who questions the territorial integrity of the country.

"I rise to oppose this Bill on behalf of my Party. This Bill, in our opinion, is unnecessary and uncalled for and is liable to the most dangerous misuse. Therefore, we oppose it.

"I agree with my Hon. friend, Shri Goray, that Shri Datar should have been more frank and more honest, if I may say so, when introducing this Bill, to speak out openly and say what he had in mind. He accused a certain party, that is to say, without naming it, and he did indulge in what he himself has called insidious propaganda against that party. He regaled us with a lot of so-called extracts from speeches or writings or slogans, as he called them. But for some peculiar reason, he did not have the courage and the frankness to say openly what was in his mind. Therefore, I am thankful to my hon. friend, Shri Goray, for filling up that gap; the vacuum left by Shri Datar, has been very ably filled up. That was what we had expected; we were not expecting anything more or less than that, because Shri Goray has made it quite clear—he said so in his speech, if I am not mistaken—that there is no use of arguing with these people.

"Shri Yadav Narayan Yadav (Malegaon): We have got the conviction.

"Shri Indrajit Gupta: This sort of thing will not do

in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, animal or article :

"Provided that no woman shall be searched in pursuance of this Sub-Section except by a woman authorised in this behalf by the Police Officer.

(5) "If any person is in a notified area in contravention of the provisions of Sub-Section (3), then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any Police Officer on duty in the notified area, not below the rank of Sub-Inspector of Police.

(6) "If any person enters or attempts to enter a notified area or is there in contravention of any of the provisions of Sub-Section (3), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

4. (1) "Where any newspaper or book as defined in the Press and Registration of Books Act, 1867, or any other document, wherever printed, appears to the State Government to contain any matter the publication of which is punishable under Section 2 or Sub-Section (2) of Section 3, the State Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter and every copy of such book or other document to be forfeited to the Government, and thereupon any Police Officer may seize the same wherever found and any magistrate may by warrant authorise any Police Officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any copy of such book or other document may be or may be reasonably suspected to be."

members are bound by the resolution which our Party has adopted on this question only last February. That was the reason why we did not repeat this whole thing all over again in Vijayawada, which seems to be a secret mystery to Shri Goray. Only towards the end of February, our National Council met in Delhi and adopted the resolution on Indo-China dispute which resolution has been published and is before all India. Surely, Government is aware of it. What does this resolution say? This resolution says:

"The Communist Party of India has already declared in its Meerut resolution that it upholds the traditional borders in the Western Sector and the McMahon Line as the *de facto* boundary in the Eastern Sector."

"Now I do not know, how, by any stretch of imagination, this stand can be interpreted to mean a questioning of the territorial integrity or frontiers of India. If the question is raised regarding the traditional borders of the Western Sector, well, we are not alone. We are in good company, I think, in that matter because if the matter had been settled, once and for all and for good, we would have been very happy. The fact remains that it was not being settled and that is precisely why the Government itself has gone to the trouble of entering into this protracted and prolonged negotiation with the official team of the Chinese Government. Where has this thing of 600 pages come from? Why was it necessary for our Government, if it was convinced in its own mind that there was nothing to discuss and no scope for any different interpretation and no scope for any conflicting data, to send a team to enter into negotiations?

any good and it is not adequate. Listening to him, I felt that like the Minister of State he also left a little bit unsaid, which he may say on some future occasion. But, he should also have been a little frank because the method of his argument was that the Minister should have made the demand quite clearly and that instead of a limited Bill like this being brought forward, the Communist Party should be banned, because you cannot argue with these people.

"Mr. Speaker: Is that the only alternative?"

"Shri Indrajit Gupta: I do not know. That is what he meant. He was giving out his difficulty and the legitimate grouse he has against Government is that Government, while bringing in this Bill, while carrying on this propaganda against the Communist Party when they introduced the Bill, did not have the courage to say that these are the people against whom they mean to use it. I want a clear assurance on this, a commitment on the floor of this House that the Statement of Objects and Reasons given here is really meant, as far as the Government is concerned, to take action against the Communist Party. The questioning of the territorial integrity or frontiers of India has been cited here as the main reason for bringing forward this Bill. Those who may question the territorial integrity or frontiers of India in a manner prejudicial to the safety and security of the country are the people against whom it is primarily meant to be used.

"Shri Goray, of course, went off at a bit of a tangent, in my opinion. His point was that some people, Communists they say, are flouting the territorial integrity of the country. I want to make it clear that as far as my Party is concerned, we are bound and all our

very careful when we are compiling this so called evidence on the basis of the police report; we should recall exactly where the Government stands in this matter. Otherwise there may be a boomerang effect. What is wrong in saying that Tibet is part of China? I say it ten times on the floor of this House; it is something which the Prime Minister has said too, repeatedly. But this is trotted out here as one of the arguments for these powers. All these years we have had troubles with Pakistan. I think many more border incidents have taken place; there have been exchange of fires and shootings of people and people have moved and have been killed across Pakistan border. We have more of these things with Pakistan than with China. We have seen some reports about Pakistani spies and espionage. But never in all these years did we hear that because of these things it was necessary to have this kind of Draconian power. You have got a whole armoury of laws. You have got the Preventive Detention Act and the Criminal Procedure Code and Sea Customs Act and this and that and all kinds of things. What is the necessity for this? Have we not got enough powers which we can use if it is necessary?

"It seems to us that the Minister sought to make a great joke out of this and said that some people felt that it had got political motives, with the 1962 elections in view. I submit that this is not a joke at all. The only purpose of this Bill is a political purpose; it has got a political purpose to create some sort of a hysteria and panic. After all, the old spectre of Communism which Karl Marx wrote about in the opening pages of the *Communist Manifesto* has not been laid to rest. He wrote, "A spectre is haunting Europe; the spectre of Communism." But since then many years have gone by and

Why was it necessary to record all this huge mass of evidence and issue the thing?

"The point is this: The only difference that I can comprehend is once this data has come before us, what is the course to be followed now? My Party has repeatedly said and has said again in its latest resolution that we stand for negotiated peaceful settlement at all costs, because the alternative is something which we are not prepared to advocate or countenance. Shri Goray feels that having said that the mass of evidence produced by our officials had made out a very good case and a strong case, it is enough. After that, what does he want us to say? Should we refuse to have further talks? I do not know. But my Party says that after these have taken place and after this huge compendium of facts and evidence has come to light, the only way of settlement is through further negotiation, if necessary, at higher political and top level. If, for that we are called traitors or treacherous, or that we are questioning the integrity of the country, those who want to indulge in that kind of accusation will continue to do that, whatever we may do. We are not bothered about that.

"I feel that this Bill is totally uncalled for. This is a type of an emergency legislation which, I think, very few countries in the world would undertake even in times of war. Are we at war? I do not know.

"Then, the Hon. Minister mentioned some slogans and said that these slogans were uttered in these areas. One of the slogans he mentioned was that somebody was going about and saying that Tibet was part of China. Is that a treacherous slogan? I do not know. That is the policy of the Government of India. Has it recognised Tibet as part of China or not? We should be

have seen it in other pieces of legislation. When the Preventive Detention Act was first brought in, then also we were given assurances. But these phrases were there. "Essential to the maintenance of public order or essential supplies." Consistently after that we have found that these powers are misused and used only in order to suppress political opposition, particularly parties which are working amongst workers and peasants and so on.

"Therefore I feel that behind a certain political smoke-screen which has been created, there is an attempt to cloud the issues. But after all, the normal man in the country will read only what is written in the newspapers tomorrow. He has not got the opportunity to sift all the evidence and go into these things. Behind a certain political smokescreen which has been created, Government is conveniently taking upon itself certain Draconian powers, which will be exercised in practice by the police, the local officials and the magistracy, and which I am sure in future may be used not only against the Communist sinners. Of course, it may be used a little more against us, but also against some other friends here. They should not be so joyful about it.

"An Hon'ble Member : They are not frightened.

"Shri Indrajit Gupta : Don't be frightened; be brave.

"Shri Goray : We are not likely to be anti-national at any time.

"Shri Indrajit Gupta : Shri Narayan Dutt Tewari, Deputy Minister of.....

"An Hon'ble Member : Deputy Minister?

"Shri Indrajit Gupta : I hope sometime in future he may become Deputy Minister. Shri Tewari, Deputy Leader of the P.S.P. in the U. P. Vidhan Sabha, after a tour of Pithoragarh, Chamoli and Uttarkashi said that :

history knows many instances of that spectre of Communism still continuing to haunt the minds of many men here....

"Shri Khadilkar (Ahmednagar) : Can you compare Indian conditions with the conditions which Marx has referred to ?

"Shri Indrajit Gupta: I am not going to digress into historical research now.

"Therefore, in conclusion, I submit that the Bill is totally uncalled for. My own feeling is—I regret it very much—that the Government has allowed itself to be pressurised by some of my friends sitting here and also outside in this country. They have been encouraged to whip up a certain campaign of hysteria. These are not enough to satisfy Shri Goray yet; he wants something more; he wants to go further. I think by bringing this Bill, the Government has taken a substantial step towards falling into the trap of those people who want to create some sort of a war psychosis and do not want a settlement with China on this issue. Therefore, the Communist Party of India is being made the scapegoat for this. I submit that the powers which Government already have, they are taking under Clause 3(2). Let me read it :

"(2) Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is or is likely to be, prejudicial to the maintenance of public order or essential supplies or services in the said area or to the interests of the safety or security of India shall be punishable..." etc.

"This is a very omnibus clause. This may have nothing to do with the border or with territorial integrity or safety of the border. It is a very familiar phrase; we

"In conclusion, I would say that as far as the insinuations and various types of charges made against my Party in this House are concerned, I most emphatically refute them. We consider them to be contemptible accusations made against us without any kind of proof or evidence. We do not consider ourselves any less patriotic or nationalist than anybody else. That is how I came here. I have come from Calcutta city, where the people are certainly not illiterate and not incapable of understanding anything and not lacking in national consciousness. My election took place at a time when the anti-China and anti-Communist campaign was at its height. That was the sole issue in the campaign made against me. Even Shri Goray visited Calcutta and contributed to that.

"Shri Goray: I am sorry for the voters.

"Shri Indrajit Gupta: But unfortunately I am here. You may be sorry for the voters, but they will survive your sorrow.

"On behalf of my Party, I oppose this Bill as being uncalled for, unwarranted, unnecessary and liable to gross misuse by the party in power."

"Internal factors which caused discontent in the area largely flowed from the disappointment of the people whose expectations had not been fulfilled after the creation of the border districts. Official propaganda which accompanied the formation of these districts had raised hopes of a considerable improvement in their living conditions. Though officers had been posted in the new districts, their offices had not started functioning."

"The point is: in those areas, the people living there who are poverty-stricken, illiterate, etc., have got certain legitimate grievances and certainly it is the duty and constitutional right of anybody or any party to go and to help to secure redress of their grievances. But I am sure in that case, legitimate trade union activities or anything of that type will be sought to be suppressed by conveniently dubbing that as something which is against the security and safety of the country under the powers taken under this Bill.

"What is the guarantee against misuse of these powers? There is no guarantee, because police reports are still considered in this country to be the last word on the question. I have been in preventive detention four times and you should know that each time it was found later on that the grounds on which I was detained were invalid or *mala fide*. They were based entirely on police reports:

"On such and such a data you said such and such things in such and such meeting." There was no meeting and I was not present nor I did address that meeting. But such things go on happening. The same thing will be repeated again. What is the guarantee that it will not be?

but a baby handed to him to be nursed and reared. I am sorry for Shri Lal Bahadur Shastri. He might have been given a better assignment when he came to the Ministry of Home Affairs. This Bill has a different purpose. The intention of this Bill is entirely different. And I make bold to say that it is irresponsible, dishonest, and cowardly. I say irresponsible because extraordinary powers are being given to the executive and to the police officers to play fast and loose with the liberties and rights of the people. In fact, we know that it will be grossly abused. We have had the experience of many such measures. Therefore, the hon. members who may think that it is not so bad, will bear it in mind that it is liable to be grossly abused. Even if you assume that there are certain things which can be justified in it, I do not assume it, because the measure will be administered not by the hon. members of the House, nor even by Shri Datar, but will be administered by the Superintendents of Police, by the Police Inspectors and Sub-Inspectors and by the C.I.D. men who did not know how to present a report about the Assam riots and kept the Government absolutely in the dark. It is dishonest because the real motive of the Bill is clothed, is disguised. The real motive of the Bill is to indulge in political persecution of certain section of democratic public opinion in the country. Since he did not name anybody, I need not name anybody here either. This is the intention of the Bill.

Another intention of the Bill is to intimidate certain sections of the people and to give concession to certain other sections of the people. I call it cowardly because this is a concession to the rightist elements in the country who have been clamouring for some kind of action

EXTRACTS FROM BHUPESH GUPTA'S SPEECH
IN THE RAJYA SABHA ON CRIMINAL LAW
AMENDMENT BILL

(Rajya Sabha Proceedings, dated 2nd & 3rd May, 1961)

Bhupesh Gupta: Mr. Deputy Chairman, I rise to oppose this Bill, because I think it is wholly unwarranted by facts and unjustified by moral considerations to-day. We have heard the speech of the Minister of State in the Ministry of Home Affairs. Towards the end of his speech he was saying so many things as if everything is relevant to the provisions of the Bill or comes within the mischief of this measure. But then the Minister of State in the Ministry of Home Affairs is a gallant person and he has to do a bit of fighting here. Right at the outset I wish to say that we are not discussing this thing in a border. Nor you, Sir, are a border guard. Therefore, let us discuss it somewhat dispassionately, objectively and on merits.

Now, Sir, at the outset I should make a few things clear. I can well understand genuine patriotic concern for the territorial integrity of our country and I fully share that concern. Now, this is not the issue at all. As I proceed I shall show how this Bill has something else in mind. And the Bill is so worded that it does not say all these things, I believe, but even so, the Home Minister in another place had to say that this was an extraordinary measure containing certain harsh provisions. I like Shri Lal Bahadur Shastri, because he believed in plain speaking. And in that matter he spoke plainly, although he sought to justify his measure. It is not his baby,

to better development in political life but leads to serious bad development and to the strengthening and emboldening of the forces of reaction. I am sorry that the Congress Party should have done this thing.

But then, I know that many members perhaps in this House will be supporting this measure. I do not put them in the same category. Among them there are people who are professional anti-Communists. They cannot go to bed without running down the Communists. The dream of their dreams is how to hit the Communist Party. Anti-Communism is their article of faith. But there are others who are right minded people, who rightly support the foreign policy of the Government, who may be upset by the developments that have taken place in the border but who stand for decencies in public life and the stand of the Prime Minister for the solution of the problem peacefully. To these people I can say that they have been somewhat misled. They are not misled, they are very eminent and intelligent people. They have permitted themselves to be carried away by the passions of the moment by the prejudices of the moment or certain wrong presuppositions. Some of them do not even have prejudices. I do not call them anti-Communist. I am sorry that today a situation has arisen when the foreign policy of the Government is assailed and attacked outside by the forces of Right reaction—and that voice will soon be heard in this House—and that those who support foreign policy of the Government should have permitted themselves to be so divided in a situation like this. The Government is helping that process. Sir, you might say, what is after all the Communist Party? Well, if the Communist Party were not a force, then you would not have been talking all these

against the Communist party and other forces like the Communist Party, with a view to disrupting and dividing the broad democratic movement in the country. This is a concession, and the Hon. Minister was right in saying that some people in either House demanded it. I counted them from the Proceedings of both the Houses. You can count them on your finger. A few people have demanded it. And if you go into the names of those persons, you will find that most of them belong to those sections of public life which assail the foreign policy of the Government of India, castigate the Prime Minister for having adopted this foreign policy and seek to discredit the foreign policy of the country. Such are the people, the rightist elements. I can add to his knowledge by saying that a measure of this kind is already acclaimed outside India by the imperialists and professional anti-Communists. Therefore, the Home Minister, at least the Minister of State in the Ministry of Home Affairs, is in such a good company that way. Choose your company as you like. But I may say that this is a company which according to your foreign policy at least you should avoid. Therefore, this is the measure that we are dealing with and I would ask the Hon. members to consider it on merits. Now, they think that by passing this measure they would be able to placate those who are criticising them from the rightist position. They think that by passing this measure they would be in a position to take the wind out of the sails of right reaction and pretend to the country as if they are the fighters. But then you are undermining the principle. You are appeasing the hands that will smite you, not today, may be tomorrow. We have seen that appeasement of this nature in the political life of the country leads not

are the Swatantra Party. I do not see who is the goal-keeper, but Shri Lal Bahadur is becoming the goal-keeper. I would ask him not to be the goal-keeper. He is not of that type. Even if he says wrong things against me, even if he attacks me, I know I would never put him in the same category as I would put some other people. We are not carried away by temporary passions like some Hon. Members opposite. We judge people by their whole behaviour, by their entire policies, by their entire attitude in life, by their entire posture in the political life of the country, and not by what they may say at a given moment under certain stress of circumstances.

Now Sir, as far as the position of the Communist Party is concerned, that is my Party, I know what would come and I came ready for it. That was done in the other place, and here Mr. Datar did not take the name of the Party in the beginning but then went on as if he might be committing a great sin if he did not take the name of the Party, and therefore he brought in the name of the Party, and then he was full of utter irrelevances. Anyway I think the matter should be set at rest. I would invite the attention of the House to a resolution passed by the National Council of our Party last February at Delhi, and there it is stated :

"The Communist Party of India has already declared in the Meerut Resolution that it upholds the traditional border in the Western Sector and the McMahon Line as the *de facto* boundary in the Eastern Sector."

This is what we have stated. Now this much is stated there, and our activities are guided by the stand we have taken up. Whatever you may say about us,

things that you have been talking here. If it were a force, I take it that those who stand for the defence of the foreign policy and the strengthening of it would not mind that there should be common efforts to defend it, would not like to see the forces that defend the foreign policy of the Government of India dissipated and disrupted by the machinations and manoeuvres of the forces of reaction. This is a pertinent question to ask. Therefore, when these Hon. Members opposite will support this measure, I will have no personal grudge against them; I will argue with them. It is these Hon. Members particularly I wish to address today, because I think they should not at least misunderstand our position, they should not permit themselves to be carried away by the malicious, mischievous, lying, disgraceful propaganda that is indulged in by certain sections in the country—reactionary sections.

Now, Sir, I am reading out from a letter written to the 'Times of India,' dated the 27th April, by Shri J. P. Narayan. Nobody will say that he is freindly to the Communists. He does not take kindly of the Communists, and he writes about the Indo-China border dispute :

"May I add at this point that matter like this should not be made into a football to be kicked about in the game of party politics."

This is what Shri J.P.N. said. You know Shri J.P.N., and you know what view he takes of the Communists in many matters, but he does say that this matter is being kicked about like football by certain people. I do not say that Shri Lal Bahadur is the centre forward. I do not say that at all. But it is a fact that this issue is being used as a football by some people, may be our P.S.P. friends are the centre forwards and the half backs

WHEN THE INTEGRITY OF INDIA WAS DEFIED AND DISREGARDED WAS WHEN THE CENTRAL GOVERNMENT AND THE PRIME MINISTER GAVE ON A PLATTER A PART OF THE BERUBARI UNION TO PAKISTAN. BUT SINCE THE PRIME MINISTER WAS CONCERNED AND HE GAVE IT, THE CONSTITUTION WAS AMENDED TO VALIDATE AN INVALID ACT, TO LEGALISE AN INVALID ACT. EVEN THOUGH WE HAVE CRITICISED THE PRIME MINISTER, WE HAVE NEVER QUESTIONED HIS BONAFIDES. HE HAD DONE IT MISTAKENLY, PERHAPS HE WAS WRONGLY ADVISED, BUT HE HAD DONE IT, AS WE SAY, EVEN IN THE MIDST OF VERY STRONG CRITICISM.

Now suppose this measure was there before and the Prime Minister under those circumstances had made a statement publicly at a meeting that in his opinion part of the Berubari Union should be given to Pakistan to settle the dispute, suppose he had said this, well, he would have come under the mischief of this measure. I know that he would not have been arrested because he is the Prime Minister. Suppose Acharya Kripalani was the Prime Minister and Jawaharlal Nehru was in the opposition benches and this measure was in force, would he not have been arrested? He would have been arrested. But people may give opinions. How do you take them like that? I shall come to that point.

But I am making this point very clear that when we deal with a matter, we must go into the heart of the problem. Therefore, the integrity of India has never been challenged and I would show how it has not actually been threatened by our people, by any party—well,

we are a disciplined Party. We discuss and debate, but once we take a decision, we consider it a matter of honour to stand by that decision. I can declare on the floor of the House that there is not one Communist anywhere in the country who is not adhering to the resolution or implementing the resolution that I have just read out.

Diwan Chaman Lall: Then why are you worried about this measure?

Bhupesh Gupta: I will tell you. I know, I know. I have to convince you. I know why I am worried about it. I am coming to that. You are saying so many things against us. These I repudiate, these are not true. "*Satyameva Jayate*" is written there, and falsehoods and lies are trotted out on the floor of the House in the name of protecting the integrity of the country. Is this the way in which we are going to behave in our public life? If there is anyone who can come with concrete facts, with concrete evidence let us discuss it, and we shall make amends for it, but not because it is vaguely alleged somewhere some thing had been written. Where? Who? What? Nothing. "Because I, Mr. Datar, by the grace of the Prime Minister, the Minister of State in the Ministry of Home Affairs, have decided to make the allegation, the allegation shall pass." That shall not pass. This is what I say on the floor of this House. Therefore, let us be clear about this thing.

SIR, NO RESPONSIBLE PARTY OR CITIZEN IN THE COUNTRY WOULD GO AGAINST THE INTEGRITY OF OUR COUNTRY, MORE ESPECIALLY WHEN WE HAVE JUST WON OUR INDEPENDENCE. THE ONLY OCCASION IN THE RECENT PERIOD

substantiate that allegation, he merely mentioned the thing and left it at that and said something against Communist Party. Then when the matter came up again in the Lok Sabha a few days after, Comrade Hiren Mukherjee similarly challenged it and he could not adduce any evidence. He made a broad statement that he had said this thing in the Rajya Sabha and that he was saying it in the Lok Sabha. Then again "The New Age" was mentioned. When the Prime Minister made allegations against the major opposition party in the country and on the floor of Parliament, we naturally took it seriously not from any narrow point of view, but from a broad point of view. Our Central Executive was seized of the entire matter and we considered the statement made by the Prime Minister in this House and in the other House. And after that our General Secretary was instructed to write a letter to the Prime Minister to find out from him exactly what was his complaint. We were not clear about the complaint the Prime Minister had in mind because we have great respect for the Prime Minister. And when he made certain allegations, we naturally wanted to find out first from him and after hearing from him, we thought that on the basis of what he said we would be holding an enquiry. And this is what the General Secretary of the Communist Party wrote to the Prime Minister :

"Dear Sir,

In your speech in the Lok Sabha on 31st August, 1960 you referred to "The New Age" weekly, the organ of our Party and stated that "The New Age" has carried on a consistent, a blatant, a pernicious and a false propaganda on this issue.....

I do not know if there is any surreptitious party—by any party which is functioning openly or by any right-minded citizen. Why is a sort of bogey being created about it? They do so because there are certain other objectives in their minds.

Now let me come to the genesis of the Bill. That is very important. He made some reference to it. Some members demanded it. So we got men. We could not help it. We did not like it. They were Hamlets in this matter, half consenting and half not consenting. Then when approaches were made, they fell in for it. They permitted themselves to be seduced. First of all, it does not speak well of a Government. What did you do? What was your stand? Then let me come to the next point. He did not recite it, the matter just came up in this House and in the other House also and later on November 21st also it came up. And an anti-Communist hysteria was sought to be roused by some people and as far as I can see, on the 21st of November in the other House, Shri Ram Subhag Singh asked: "May I know whether the Government intend to introduce any measure to put a curb on such activities in the entire area?" and Shrimati Renu Chakravarty on behalf of the Communist Party just got up and said: "That is the main point." Well, it went on. An adjournment motion came up. A discussion took place. Now allegations have been made and these allegations form the basis of it. Some of these allegations have been proved to be untrue, to be incorrect. Let us come to what happened in this House. In August last year the Prime Minister made certain allegations in this House. He said, he was replying to the debate on foreign affairs—something against the paper "The New Age." When I asked him to

the frontier disputes. A reference to many issues of "The New Age" in the course of the last two or three months (Hon. Members will kindly note the words "last two or three months," will indicate this. The Prime Minister has no time to read all these issues, and he is going out of Delhi tomorrow."

At that time I think he was living abroad.

"As for the activities of some Communists in the border areas, the Prime Minister mentioned the particular districts concerned. His information was based on reports of speeches made in these border areas.

Yours faithfully,
Sd/- K. Ram."

Now, we got this letter. Light was sought from the Prime Minister and we were not given much light. Districts have been named. Well, it is there in the proceedings. We wanted to know who they were and what articles he had in mind. Then the Prime Minister referred to "New Age" weekly of the two or three months preceding the date of his statement. We re-examined every single copy of "New Age" from June because the statement was made by the end of August. We re-examined the issues of June, July, August. Some articles certainly appeared where the words "Chinese Mount or Everset" or some such thing occurred. One may or may not like some of the criticisms in these articles, or some of the explanations or some of these things said in these articles. But I challenge here,—papers are there in this Library—there is not one article in any issue of "New Age" which questions the integrity, the territorial integrity of our country. That is point No. 1. There is not one article which any fair-minded man, if he is not

That is the India-China border issue. Earlier in the Rajya Sabha on 18th August, you had said:

"The New Age has been carrying on not only unpatriotic but a most anti-national campaign."

In the course of the above debate on the foreign affairs, you had also referred to the activities of the Communists in the border areas. Naturally we take a very serious view of these charges. I would request you to inform me which particular item in "The New Age" you object to."

Underline the words "which particular item you objected to."

"I also request you to inform us about the specific facts relating to Party Members' activities in the border areas."

We asked if the Prime Minister had taken exception to any passage in it—let us point out—and if we were wrong, we would correct ourselves. And he was also saying something about Party Members. We had hundreds of thousands of members and sympathisers of the Party who would like to know if he had anybody in mind. That letter was dated the 16th September, 1960. Then we received a reply from the Secretary to the Prime Minister dated the 18th September, 1960, that is from Mr. K. Ram.

"Dear Sir,

The Prime Minister has read your letter dated September, 16th, 1960. He has asked me to tell you that it is not merely an item here and there in "The New Age" weekly which he had in mind, but repeated articles and big headlines, all intended to give an impression that China was right and that India was wrong in regard to

personality, and every word that he utters on the floor of the House or outside in the country is heard not only within the border of our country but abroad also. Therefore, it is a pity if he finds himself in a position where he has to make such statements which cannot be substantiated, and which do not hold water at all.

Then, Sir, let me come to what happened in the Lok Sabha. I was at that time in Moscow—in November, as you know. I was there as a delegate of the Party to attend a Moscow conference of the Communist and the Workers' Parties, but I read it there. I read the paper "The Times of India" where I got the story of a flare-up in the Lok Sabha here—thanks to our friends, if I say so, of the PSP in this case. There was a little flare up on the 21st of November. We read it very carefully. There we noted that the Prime Minister had made certain charges. There he gave certain names. Therefore, after a lapse of two or three months, he gave certain names. It seems he was reading out a statement since the whole thing appears in quotation. It seems he read out from police reports. He mentioned three names and one is Shri Satyen Mazumdar. Shri Mazumdar, as Hon. Members know, was a member of this House, a very mild, decent and reasonable member, so much so that even Dr. Kunzru could not help liking him. Now Sir, here was Shri Satyen Mazumdar. Another person the Prime Minister named is Shri Krishna Bhatt of Garhwal, and the third person he mentioned was Shri Kameshwar Pandit, Secretary of the Himachal Pradesh State Council of the Communist Party. Now I do not want to read out the whole thing. I shall only mention what the thing is. It was alleged that Shri Satyen Mazumdar has said something, about how to carry on propaganda on India-China question, at a secret meeting in

prejudiced politically against our Party, would say is anti-national. There is not one article or group of articles—very few appeared in that entire period—which would substantiate the charge that “New Age” was running an anti-national campaign.

Therefore. I say the Prime Minister, as sometimes happens with him, was misinformed. I thought that after the departure of Mr. M. O. Mathai he would be better advised. but it seems that those who advise him today, do not care to read things carefully and advise him properly for which they place the Prime Minister in a position where he has to make a statement which he cannot substantiate even after being written to by the General Secretary of our Party.

You see, Sir, that we take a serious view of this matter. I say this thing not with a view to securing debating points. I say this thing with a view to placing the facts before you, because I have got the chance now and because, some of us will be wrongly arrested and put in prison, while Mr. Datar will be smiling in the House, but before the smile comes, let me at least say something which, I hope, you would kindly try to see and take in the proper light. Now this is the position. Therefore the charge against “New Age” stands demolished. Now, here, Sir, have you noted two things? The Prime Minister did not read the “New Age”—that is number one—and he could not name anybody—No. 2. Now if I were to be a witness in a case and went before a court of law and there, having said this thing, could not substantiate the thing, would my evidence be accepted? Therefore you can understand it, Sir. My only regret is that here it is the Prime Minister of the country. He is not merely the Prime Minister, he is a great

based on fabricated reports of the Central or State Intelligence branch."

Look after your intelligence, Mr. Datar. The statement goes on:

"How could the police report on what transpired at a meeting of the District Executive Committee where none but members can be present? I can definitely state that the border issue was not at all discussed in the said meeting. As for my stand on the border issue it is entirely guided by the Meerut resolution of the National Council of the Party"—it was our earlier resolution; we had not passed then the Delhi resolution—"which stands for peaceful and honourable settlement of the dispute. I have expressed my views on these lines not only in numerous public meetings all over West Bengal but also in the Assembly last year. I think the said intelligence report is actuated by the pernicious motive of discrediting me in particular, because I happen to enjoy wide popularity and respect in all sections of public including many Congressmen in Darjeeling district."

And I can tell you, every word he says is true. He raised this point on the floor of the Assembly to repudiate the charge, and the Speaker of the West Bengal Assembly was good enough to give him a chance to repudiate the charge. And the charge was repudiated.

Now I come to Shri Kameshwar Pandit, Secretary of the Himachal Pradesh State Council of the Party. Well, he wrote a letter to the Prime Minister, and in his letter to the Prime Minister he stated:

"Actually on that day"—the Prime Minister named the date of meeting—"I was down with fever and for the

Darjeeling. That was the charge. Then came Shri Krishna Bhatt—I shall come to this gentleman later. It was said that Shri Krishna Bhatt also said something in some village. At another secret meeting of the Party Shri Kameshwar Pandit was alleged to have said something on the India-China border question. The Prime Minister confined himself to these three names. The whole thing, as I said, is in quotation, namely, what he was reading out. Evidently some brief had been given, most possibly the police report had been given to him, and he being a fair-minded man, that he is, unlike some Hon. Members on the Treasury Benches, was very apologetic about it, and he gave the whole thing in quotation. Well, I do not blame the Prime Minister for the words that are contained in that report, but make the complaint against him that he quoted the wrong things—that is my complaint. Now, Sir, naturally we took up this question, where do we stand. This time the demand was made, "Where do we stand?"

Now let me take up Shri Satyen Mazumdar. Shri Satyen Mazumdar as I said, was a Member of this House, now a Member of the West Bengal Legislature, a very prominent Member, and he is doing well, very well—I may tell you. Now when the allegation was made against him, he repudiated immediately. He issued a Press statement, and also, I believe, wrote to the Prime Minister repudiating the charge. Shri Satyen Mazumdar said in a Press statement :

"I like to categorically state that the allegations made against me are totally unfounded and are nothing but the most blatant fabrications. Obviously the allegations made by the Prime Minister are

in their homes after coming from a cinema, write reports about Communist Party meetings.

Now these are the slants given to the situation on the border. Here again I would argue with Shri Lal Bahadur, because today he may not see, tomorrow he will see my point.

Sir, there are a number of States whose border touches foreign countries. For example, there is Assam, there is West Bengal, there is Rajasthan, there is Uttar Pradesh, Punjab, Jammu and Kashmir, leave alone the Manipur territory or Himachal Pradesh. Now, they touch variously the borders of Burma, Nepal, China and Pakistan. Am I right or am I wrong? I am right. Now, I would like to know how many of these constituent States of India demanded that for the sake of border security or for the territorial integrity of measure of this kind would be needed. How many States wrote to the Central Government advising them that a measure of this kind should be passed? Not one, Sir. I say not one. If Mr. Datar perchance says that it is all wrong, I would ask him on honour to produce the letters before the House, before you, Sir, with proper dates and so on, so that we can compare whether now or before the Bill was formulated any State in India, whose border touches a foreign country, had ever written to the Government of India asking them for a measure of this kind. I said that none wrote. And yet the Central Government, because some people in Parliament made a noise, some sections of the press wrote something, had to conceive a measure of this kind and deliver the child here. Such is the position.

Now, Sir, let me come to the points one by one. I am giving you official evidence. First of all, take it that

whole of the day I took rest at my home in Simla. No meeting of any kind whatsoever was held that day."

Unfortunately Shri Kameshwar Pandit did not get a reply from the Prime Minister. He is a well-known man and every neighbour there knows that he was ill on that day, and many people know also that no such meeting was held.

Now, Shri Krishna Bhatt is the third name, and here I am sorry to say that we do not know of any such person being a member of the Communist Party. Have you started recruiting members for our Party? Well, Sir, I have been one of the members of the present leadership of the Party and I can tell you that we do not have on our membership rolls any such gentleman as Shri Krishna Bhatt. They seem to be discovering members for the Communist Party. I should request Mr. Datar: "Please do not do so. We can look after ourselves and recruit members on our own." And that gentleman, I am told, made a certain other statement. Naturally, when his name was mentioned, not being a Communist, he got more funky. At least we would not be so funky, but perhaps he got more funky. Therefore, you utterly mis-fired, in respect of all the three names.

Now, Sir, look at what will happen to our country if such are the advisers of the Prime Minister, such are the people who prepare confidential reports for the Prime Minister, on which major policy decisions are taken, or Bills formulated, of the kind that we have today. Shri Lal Bahadur Shastri is a good man, a lovable person. We only request him to pay a little attention to his intelligence service, because it seems that some people belonging to his intelligence service, sitting

him published the interview of Mr. Sanjiva Reddy in which he said that there were no political activities in the border area. Can I produce any better evidence in my favour or for my proposition than the one that I produced in this particular case?

Then, Sir, take another case after that. Here again, there is a newly created district of Uttar Kashi. The District Magistrate of Uttar Kashi held a Press conference where he was bombarded with questions about the situation in the border area and the Magistrate of Uttar Kashi said that there was nothing like that; there was no such prejudicial activity in the border area. Since Shri Lal Bahadur would be asking for other reports from his advisers, I thought I should better tell him so that he can check up. On the 21st October, the Magistrate, Ushapati Bhatt, held his press conference and the newsmen bombarded him with questions about activities in the border and he said in plain language that there was no Communist activity nor were there any Communists in the district. I have given you the name of the District Magistrate and the date of his Press conference. It was said by the District Magistrate and not anybody else.

Now, let me come to the Prime Minister himself. On the 21st November in the Lok Sabha he made a statement which is significant. When people were shouting about the activities of the Communists in the border areas, he made one thing clear and I am quoting him. The Prime Minister said :

“... But there is no question of insecurity in our border area or of subversion being noticeable in those areas.”

Therefore, you see, Sir, that in order to give you an

other evidence is not there. Generally it happens that when the situation becomes serious, the State Governments write to the Centre asking for Central legislation. In this case it was not done. And what else is required to prove that there was no objective justification for a measure of this kind?

Then, Sir, let me come to the State of West Bengal. Dr. B. C. Roy—is he a Communist? No. He is not a Communist. He is the tough anti-Communist Chief Minister of West Bengal. When Mr. Sanjiva Reddy, after his visit to Calcutta, mentioned something about the bad border situation or activities on the border in West Bengal, Dr. Roy, who knows how to look after himself better than many people who pretend to look after him, immediately said that it was all wrong. There was nothing. He repudiated the Congress President's statement.

Again, when a Jana Sangh Member raised a question in the Uttar Pradesh Assembly of certain alleged activities of Communists and others in the border area, Dr. Sampurnanand, the then Chief Minister stood up on the floor of the House to say that enquiries had revealed that there were no such activities. Then Sir, later on, as you know, Mr. Sanjiva Reddy himself said that there was no truth in it. He toured Himachal Pradesh extensively and after returning to Simla he met Pressmen. He toured, to be exact, from the 17th to 30th September. He told them that the border there was not a live border. To whom did he say that? To the paper called "Challenge" published from Simla, edited by Mr. J. N. Kaul, the local secretary of the Tibetan Committee and Camping Organiser of the anti-Communist camp in that area. The paper published from Simla and edited by

"When some newspapers and responsible political circles began saying that the activities and propaganda of the Communists in the hilly districts of U.P. are increasing, at that time with full responsibility we stated that it was incorrect. . . . There are no Communists in the region and the couple or so of Communists that are there, are doing no such propaganda that harms the country. The Chief Minister of the State Dr. Sampurnanand has also stated that it was not true that in hill districts such literature is being distributed which incite the local populace. Despite this some weekly papers that are published from the hills and some local officials go on repeating the baseless and unwarranted story about such propaganda. We consider this unfortunate for we know that there is a lot in Nazi Propaganda Minister Dr. Goebbel's statement that if a lie is repeated over and over again, it can be passed off as truth."

He is not a Communist. I do not know how our friend, Shri Lal Bahadur, will describe him. The other day in the other House I was interested to note that he was saying that somebody's son was a Communist. I hope he will not say that Dr. B. C. Roy's niece is a Communist when I quoted Dr. Roy. Then there is another paper 'Karma Boomi,' the oldest and perhaps the most respected weekly of Garhwal, edited by Mr. Bhulia, an old Congressman. He protested against this kind of propaganda being launched against one Communist Party. There are many fair minded Congressmen in this House and outside also. They do not like that for petty political reasons, falsehood should be circulated, that a party should be slandered and maligned in this manner. There again, he wrote and criticised the "Hindusthan Times" of

idea of the situation in the border areas I have quoted the Prime Minister, a Magistrate, Chief Ministers and I have also quoted Mr. Sanjiva Reddy saying that the Himachal Pradesh border was not a live border at all. I have also quoted the paper "Challenge" edited by a very well known anti-Communist. Such is the position. Therefore, one has to ask what has happened since then. These relate to last year and since then what has happened? Has the situation deteriorated since then so much as to justify the sponsoring of this Bill in this House? I submit, Sir, the situation, if anything, has improved. The situation was never bad that way. It was built up when they talked about all kinds of things against the Communist Party, but in actual fact the border was not that way threatened.

Internally from within the country nobody was carrying on activities against the integrity of the country. Now it has improved and yet we find the Bill before us. I could have understood it if, since that time, the Government could show that the situation has deteriorated or is not as good as it was or if it were bad according to them, it has become worse. Then I could have understood the meaning in sponsoring this measure, but they have not done. They have not given any such evidence before the House. Therefore objectively it is not a fair way to put it like that. I have given the official evidence. Now I would give some unofficial evidence to justify what I am saying and for the consideration of the Hon. Minister of Home Affairs. This evidence I take not from papers which are in any way sympathetic to the Communists. I take the Hindi weekly, 'Sarhadi' edited by Shri Narendra Singh Bhandari, a Congress M.L.A., which wrote on 25th July, 1960 :

after the creation of the border districts. Official propaganda which accompanied the formation of these districts had raised hopes of a considerable improvement in their living conditions. Though officers had been posted in the new districts, their offices had not started functioning."

Another important non-official authority I will quote. Shri Manabendra Shah, the representative in Lok Sabha from Tehri Garhwal made a speech on this Bill and one would have expected that coming as he did from the border area, he would say something about the anti-national activities, activities directed against the integrity of India, since he is a big man also and something against the Communist Party; but significantly enough, on the 24th of last month, when he was making a speech in the Lok Sabha, not a word did he utter about the anti-national activities of anybody and it is good that he did not say anything against the Communist Party. There you are. People coming from those areas do not accuse us. Mr. Manabendra Shah did not accuse us.

Diwan Chaman Lall: But nobody is accusing you here, if you do not question the integrity of our borders.

Bhupesh Gupta: I know that you will not, but some people will do. You are going to come to my rescue later. I need your help and that of all kind persons today because we are being unjustly maligned by certain people, small numbers, of course, but loudly and vociferously. Therefore, this is the position. I think, that what I have said has abundantly made it clear to this House that from non-official evidence and from the official evidence that I have mentioned, there is no objective justification for sponsoring a measure of this kind. This is my important submission. You see I was shocked—I

Birlas for having indulged in such Communist baiting and anti-Communist propaganda. I may mention for his benefit that in the issue of 22nd October he wrote such things.

Then there is another paper called 'Satyapath' edited by Shri Lalit Prasad Nithana. He is now called a former General Secretary of the Garhwal District Congress Committee. On 2nd June, 1960 he wrote in his paper that here is no concrete evidence of any anti-national propaganda by the Communists. I hope that Mr. Datar, who knows everything, has kindly noted what an ex-Congress Secretary of a District had said.

Then perhaps I have left out one important thing about the P.S.P. Here again I would point out to you what a P.S.P. leader in U.P. said because I know that our friends of the P.S.P. here might get up against me. Mr. Narayan Dutt Tewari, the Deputy Leader of the P.S.P. in the U.P. Assembly, after a tour of Pithoragarh, Chamoli and Uttar Kashi areas, said that all these allegations were not true and they were false. He actually gave an account of the miserable condition of the people there, of the people who lived and so on. That is what the P.S.P. Deputy Leader said: I know that my friends of the P.S.P. might like to say things against me but there their Deputy Leader repudiated the false allegations that were made against the Communist Party. Sometimes people come to the truth and there he said the truth that it was the position. I cannot hold the temptation because our friends of the P.S.P. will be attacking us and I anticipate it. The P.S.P. Leader there said :

"The internal factors which caused discontent in the area largely flowed from the disappointment of the people whose expectations had not been fulfilled

Communists and democratic parties including Congressmen, former Ministers of the Congress Party in East Pakistan and other places. Sir, we cannot endorse by statements of the kind that the Hon. Minister in the Ministry of Home Affairs has made, action that took place in Pakistan. May be it will be posthumous endorsement of such action; but nonetheless, if such things are said, you will be provoking President Ayub Khan or somebody to say, "Did I not say these things? Here is India saying such things. We showed the way to India." Sir, anti-Communism is an outmoded and exploded weapon in the hands of reaction. But if you use it like this, I think the situation will be bad for all of us. Therefore, I would request my Hon. friend not to indulge in such kind of statements....

Here I come to another aspect of the matter. You see, mention is made in Clause 3 to public interest. In Sub. Clause (i) it says:

"If the Central Government considers that in the interests of the safety or security of India or in the public interest."

So it is said that in the public interest, this measure is called for. And in Sub-Clause (3) and (4) certain powers are given to regulate certain entries, to regulate the entrance of certain people to an area. One would have thought that something would be told as to why these were necessary. But the Hon. Minister has not told us anything on that. One type of alleged activity he has not mentioned at all in this House or in the other House, significantly enough. When the Bill is supposed to be in the public interest and there are even provisions for controlling the movement of some people within the country from one area to a notified area, he:

do not know if you were shocked—when Mr. Datar was saying that this Bill was needed for our national existence. Well, I think, such a fatuous utterance should not be made from the Treasury Benches, because I consider our national existence to be something much stronger, much nobler and much bigger than to be spoken of in this manner, as though if Mr. Datar has not brought forward this Bill, our national existence would disappear and the nation would go out of existence altogether. Do not speak like that. Say that you need this Bill to beat up some people, to arrest some people, and do not try to make it look as if such a Bill is needed for our national existence. Our national existence is something far stronger than what you would make it look like statements of this kind. I do hope the Hon. Minister of State in the Ministry of Home Affairs would choose his words in such a way that at least outside they do not give a wrong impression. Sir, when I heard him, I was reminded of what was said by Pakistan authorities in 1954. When certain things developed between India and Pakistan, the authorities in East Pakistan, before Iskander took over and also after he took over, began to say 'Our national existence is at stake' and then they issued regulations and orders in the name of territorial integrity of the country, intended to harass, arrest and persecute the Communist Party and the Congressmen also. We shared the same prisons—Communists and Congressmen—in Dacca and other jails. Is that to be repeated here by this kind of statement? If reaction gets entrenched, some day we may be landed in such a situation. Therefore, do not emulate, for goodness' sake, the Pakistan authorities who exploited the border disputes for bolstering up reaction and to prosecute the

two books are full of confessions of subversive and prejudicial activities, activities which go against the interest of the country and yet I do not find any kind of a reference by the Government to any of these meetings. Why does not the Government take that into account, I would like to know.

Chaman Lall : I do not want to interrupt my Hon. friend, but I would like to ask him this. Is this the position then that my Hon. friend is not against any prejudicial activity regarding the safety and security of India but is against any prejudicial activity by foreigners against a neighbouring country?

Bhupesh Gupta: I have given an amendment and I may say that I am against prejudicial activities by anybody, whether foreigner or national. I make that perfectly clear. But the point now is this. You have heard the Hon. Minister in the Ministry of Home Affairs, Shri Datar. You have heard the speeches in the other House. But no mention is made anywhere to this, as if it is the Communists who must be lambasted and hanged. Nothing is mentioned about the other type, the real type of anti-national and prejudicial activities—they are such even according to the criteria of the Government—indulged in on our soil by foreigners, even when books have been written by them and published from London and sold in Delhi, Calcutta and Bombay. and available even in the Parliament library as well. That is strange. He gets so many reports from so many quarters. Does he not get the time to read so many books? That is what I would like to ask. Here is the book—'Tragic Destiny.' I will mention only a few instances. I do, because many copies are not available. Most of them are sold out and they are costly books.

has not mentioned about certain activities which it is my duty now to do. I ask the Government to take note of what I am saying and I wish to invite the attention of the new Home Minister of the Government of India to the subversive and prejudicial activities indulged in by some foreign nationals in the regions of Kalimpong and other places. I have tabled an amendment to this effect. It is for them to have taken note of it, but they have not taken note of it. That only shows the intention of these people who have formulated this measure. Here, it is a very interesting story that I have to bring to your notice. I have done some hard work here. I hope the House will bear with me a little when I give Hon. Members certain news, again documented and substantiated by facts which I can place before the House.

I have in mind George N. Patterson, correspondent to the Daily Telegraph of London who came to the limelight in connection with Tibetan counter-revolution in 1959—a name which was mentioned in this House, residing in Kalimpong since 1960, ever since he fled from Tibet when the new regime was established in China and Tibet. His activities were in Kalimpong in support of the exiled Tibetans resident there. Patterson, in his books like 'Tragic Destiny' published in 1959 and 'Tibet in Revolt' claims to describe how he from Kalimpong helped and contributed to the organisation of this revolution in Tibet in 1959, in collusion with the Tibetan residents in Kalimpong and other elements inside Tibet. In these books he makes no secret of his part in organising meetings between the Tibetan rebel leaders and the U. S. officials and others in Kalimpong. Here are the two books, written by George N. Patterson—'Tragic Destiny' and 'Tibet in Revolt' and the pages of these

to do anything even if they had wanted. The link with China had been broken when Chiang Kai-Shek's National Party failed. They had no previous contact with Tibet which would have provided them with an opening for a more direct interest." He mentions British, American and Indian officials. "Having provided all the necessary information to the British, Indian and American officials, I decided that it was now time to make for Kalimpong to see whatever Tibetan officials might be there who in turn would be able to pass on the news to Lhasa." This is how subversive activities go on at Kalimpong. It is admitted here and he makes a boast of his activities. This is very interesting. He says that he came, met the officials of the British High Commission who put him in touch with the Secret Service men of the United States of America and other people. Then he passed certain information, took certain things and then went to Kalimpong to carry on his activities. This area will probably be soon turned into a notified area, but he went to live in the house of the mother of the Dalai Lama. He saw armed servants there and he was surprised to see armed servants there of the Dalai Lama's mother and brother. I ask the Hon. Minister, "Do you have any such information that people were armed, that people were keeping little private armies there?" Mr. Patterson testifies to it, being a party to all kind of conspiracy that went on there. You come across such a statement made by the author in pages 80 and 81 of the book. I would then draw your attention to page 84 which is very interesting. "The news I took to Calcutta created a sensation and the diplomatic telephone between New Delhi, London and Washinton hummed with the questions and answers. Difficulties multiplied as

Here is what George Patterson writes. What he writes I do not vouch for here. He says so many things against everybody, including the Government of India, I so realise. But at the same time, here is a man who confesses his own crimes. no matter what statements he makes about the Communist Party or the Congress Party or the Government or anybody else.

Samuel: Suppose I write a book—tragic destiny of the Communist Party of India. would it be a prejudicial act on my part, in your opinion?

Bhupesh Gupta: No, because you will never write such a book, being a better writer. (Bell rings)

It is important and I will take some time. I wish to draw your attention to pages 14, 22 and 23, of this book. I feel like presenting a copy of this book to you. It is very important. Here you see how things on the border went on. I need not mention how Mr. George Patterson came to India in 1950 through Sadiya. He entered Calcutta from there and he says:

"I am here to get what help I can from whatever source. When I have done all I can in Calcutta I want to go to Kalimpong and if there are any Tibetan officials there get them to pass on the information to their Government in Lhasa."

"The official got in touch with several people in the telephone and then laid it back on its rest. I have made arrangements for you to meet one of the top Security officials in Calcutta tomorrow morning. When you have finished with him, perhaps you would get into touch with me again and we'll fix another meeting when I can pass it on to Delhi and London."

This is what he writes. The Americans were interested but as the British official had said, "Not in a position

drawn up a programme. I would like to know whether such things are or not covered. On page 138 he says that the U. S. representative promised to put before the appropriate officials, after returning to America, the suggestion for appointing a special agent. There is reference, on page 150, to Apa Sahib Pant and his impression is given. It is very interesting. I know that this man is against Government also. He writes that he met the representatives of the Tibetan revolt and told them that an American agent would be sent.

Dy. Chairman: Activities prejudicial to the interests of India.

Bhupesh Gupta: Let them say that this is not prejudicial to India.

Dy. Chairman: This happened in 1951. That is why this Bill has come up.

Bhupesh Gupta: Not in 1951 but in 1958-59. Let them say so. You would understand it, and so let me proceed. I am entitled to say it. If they say about Communist activities on the border, I am prepared to quote from the author of these books all these activities. Can they produce a book by the Communists?

About Apa Sahib Pant, he says, "His impression of Rabga was that he was an able and sincere man, but that overestimated the strength and ability of the Kham and Amdo tribesmen and underestimated the magnitude of the obstacles in the way of complete Tibetan Independence." These are all important, and I wish I had a copy to present to you. One page 174, he says....

Dy. Chairman: You seem to be trying to camouflage....

N. Sri Rama Reddy: May I know how the House is interested in what happened there?

arrangements for escape progressed. As it had to be kept absolutely secret, only the top officials were informed of what was required and Taktser had no passport. Sufficient money for an extended stay in the Reserve Bank of India, which was out of the question in such secretive procedures; exit permits to leave the country and bypass customs formalities would have to be obtained. Slowly all those problems were resolved. In the United States the Committee for Free Asia, a non-Communist association of businessmen, invited Taktser to go to America at their expense as their guest. The Indian and U. S. Government issued affidavits in lieu of a passport, accepting the Dalai Lama's letter as of sufficient *bonafides*." This is what the author writes. Kalimpong conspiracy was hatched in order to circumvent the passport rules, to smuggle some people out of the country and written by the person who was in, true or false, I do not know. He writes it. Should your attention not have been drawn to it? That does not seem to have been done. Then he writes as to how he organized the escape of the Dalai Lama. On page 109, he says that Gompo Sham, his wife and himself had to go to Formosa, not to the United States. On page 122, he writes "I would guarantee his (Rabga Pangdatshang) anti-Communist sincerity." He was guaranteeing the sincerity of Rabga Pangdatshang who was a brother of the Governor of a Province in Tibet which had revolted. He writes on page 136 that "it was absolutely essential that Tibet revolt and present India and other countries with a *fait accompli*." He writes further, "The American argued with Rabga that co-operation with the Indian Government was essential." He adds further that the American representatives had

is what he says. Here is a meeting of the rebel leaders who wanted to attack Sikkim and Bhutan. Even though it was held in Kalimpong on August 4th and is stated by one, who organised and participated in this meeting, we see that the Hon. Home Minister or the Minister in the Ministry of Home Affairs, Mr. Datar, does not have a word of condemnation to say against it while he is full of condemnation, vituperation, attacks and accusation against us. Therefore I call it diversion. It is diverting the attention of the country from the really nefarious, prejudicial, anti-national and even anti-government activities that are carried on by people like him in that area.

Then, Sir, in the 'Tibet in Revolt' how the Dalai Lama escaped is described and how they are doing it from Kalimpong. Then on page 84 reference is made to 'Tibet Mirror' a paper published in Kalimpong. Here an interesting thing is said. They were getting briefing. What a shocking thing.

Dy. Chairman : Speak something about your activities.

Bhupesh Gupta : That Mr. Datar will tell you. You know my activities; for nine years we have been together and I know how you like our activities. It says here :

"To make matters even more tense, the editor of the only Tibetan newspaper, the 'Tibet Mirror,' published in Kalimpong, had received several pages of typed foolscap with details of briefing for the use of American troops in Tibet and had been asked to publish it in his newspapers. Fortunately he was perturbed and he consulted some officials. On their advise he did not publish, but the information was

Bhupesh Gupta: Because that area will become a notified area. If the House is interested in what the Communists are doing in Kalimpong and Mr. Datar makes a statement, the House should be jolly well interested in what George Patterson was doing and his men are doing in Kalimpong. He writes, "when the Lhasa officials in the Dalai Lama's entourage returned to Lhasa they had made arrangements with private dealers in India to send in large supplies of arms and ammunition not for use but for profit." Everybody knows and it went across the border. Was that act in the public interest? Was it not a prejudicial act? Is it something which is to be ignored in your tirade against the Communist Party, in your talk against the Communist Party? This is what George Patterson writes in his book. All the arms and ammunition that passed across the border are mentioned here. What about your Police which produced such a report, false report, and gave it to the Prime Minister? Did it make any investigation into such activities on the border? This is a pertinent question to be asked by me and other members of the Hon. House here. On page 133 he says, "On the 4th August meeting of all leaders from all parts of Tibet held in Kalimpong, it was decided on what is to be done in view of India's refusal to help and for non-cooperative attitude. I am not, therefore, against India or the Government." "The guerrilla leaders and delegates had been advocating an extreme course of action by proposing an attack on Sikkim and Bhutan with an uprising of Tibetan nationals in sympathy in Kalimpong and Darjeeling. There were about 20,000 guerrillas between Lhasa and Sikkim and 7,000 of the best fighters most feared by the Chinese on the border of Bhutan." This

Samuel: How is it subversive against India, I want to know, it may be subversive against China.

Bhupesh Gupta: If you think that it is in public interest from the point of view of India, say so. The Prime Minister opposes this thing and that is why Mr. George Patterson criticises you and the Prime Minister in his book. You say safety, security, public interest and all these things. If meetings are organised by the guerilla bands in Kalimpong, don't you think you are endangering the safety? Don't you think these are against national interests, against public interest? The fact that such an intelligent man as Mr. Samuel gets up and asks me this question only shows how the infection of anti-Communism affects even right minded persons. I am only sorry. I would like to present it to Shri Lal Bahadur Shastri because when it came into my hands he was not there and his people will not tell him about such things. You see such activities had been going on.

Sir, many things have been said about the provisions of the Bill. I shall deal with them as I come to the various aspects of the matter when the amendments come up. What I would like to state here is this. Here you say territorial integrity, but then the scope of the Bill is far wider. It is not merely the territorial integrity—for Mr. Samuel I must point out—safely and security of India. I think you are not safe when the Tibetan rebel leaders held a meeting in Kalimpong and talked to the American official. About the security of India, would Shri Lal Bahadur Shastri feel secure if somebody were to whisper in his ear in his bed, "when you are sleeping other people near the border in Kalimpong—the Tibetan rebels—are meeting and discussing

not secret and had been passed round, thereby heightening the expectation."

Sir, what does it show? Here is a paper getting briefing. But 'New Age' was being mentioned, not the 'Tibet Mirror' published in Kalimpong, which according to Mr. George Patterson, was receiving American briefs to publish asking American troops to take action in Tibet. The publication was stopped because of certain intervention, perhaps, of some officials. All this is not mentioned, but 'New Age' has become an obsession with them. Then he says on page 117:

"I told the Government officials all this." A plan is accepted.

"After consultation with New Delhi my plan was adopted."

He prepared certain plans. Then he says he told the Government of India and then they were accepted after consultation. Such are the publications. They are all there to expose how you are proceeding in this matter. You ignore all these things; you pick up the 'New Age' which anybody can read at any time. I would ask the Government: is that the way to handle such a matter? And again here is another thing. You see, I have worked; it is hard work. Here is a handbill on art paper issued in Kalimpong and circulated widely. Have you got that? Chiang Kai-Shek's picture is given there—a colourful picture—and there is a report in Chinese language and in another language and also in English. It is President Chiang's message to the Tibetans. This was circulated widely in the Kalimpong area and it came into my possession because I come from West Bengal.

things in a matter which has been challenged, not today, but for hundred years."

Would the Hon. Home Minister tell us whether statements such as these would come under the mischief of the law or would they not? Sir, can I get this guidance from him? Sir, will you kindly tell him?

Lal Bahadur : Whatever I have to advise you, I shall do so tomorrow.

Bupesh Gupta : If he says now, then I need not pursue this matter but he would not say. I read out this statement. Who is this person who made this statement? Not a Communist against whom you are up in arms, but the leader of your party, Shri Jawaharlal Nehru, currently engaged in finding two Deputy Leaders. That is the position. Sir, the law is law. Once it is passed, I say that Pandit Jawaharlal Nehru would not be in a position—nobody would blame him; he is a courageous man—to say what he has said without attracting the penalty of the law. Let Mr. Lal Bahadur Shastri come to the House tomorrow and tell us that such a statement would not attract the provisions of the law. If he says that, I will stand corrected. If he does not say that, then it would be clear to the House how wide the law is. Now the fact that he is the Prime Minister, the fact that he may say something today, does not mean that he was absolutely unreasonable or was talking through his hat at that time. He was saying something in the circumstances as any reasonable man would say, because everybody would like to find out the position. If such a law were there he could not have said such thing in public without being liable to be arrested by Mr. Lal Bahadur Shastri and put into prison. But then he would say he

the question of even doing something in Bhutan and Sikkim and discussing about transshipment of arms and so on?" Would he sleep? Certainly not; he would pass a sleepless night. He would not sleep.

Himatsinka: This Bill will take notice of them.

Bhupesh Gupta: That is why I am saying this. I am saying these things so that he takes notice; so far he does not seem to have taken any notice of these things. I would have perhaps nothing much if only the expression 'territorial integrity' were there; but the expression 'public interest' has been put in. I would like to know from the Home Minister this thing. Suppose someone makes a speech of this kind; would that come under the mischief of this measure?

"I am not going into the long history because I do not want to take much time. It is a complicated thing but we have always looked upon the Ladakh area as a different area as, if I may say so, some vaguer area so far as the frontier is concerned because the exact line of the frontier is not at all clear as in the case of the McMahon Line. When we discovered in 1958, more than a year ago, that a road has been built across Yehchong in the north-east corner of Ladakh, we were worried. . . . It is a relevant question but the fact of the matter is that we just are not within hundred miles of that area."

The same gentleman, a very important person—I do not want to go into the details—says here when he was speaking about the Aksai China area:

"But I distinguish it completely from other areas. It is a matter for argument as to what part of it belongs to us and what part of it belongs to somebody else. It is not at all a dead clear matter. . . . I cannot go about doing

the Officers of the Forest Department intending to cause disturbance of public tranquility and riot."

Now, therefore, he binds him and passes an order prohibiting :

"Pawrel alias Sharma to enter or stay in the jurisdiction of Gorubathan Police Station for the period two months from the date of service of this order."

On what basis has his movement been restricted? I took the trouble of getting the ground for promulgating an order under Section 144 of the Criminal Procedure Code restricting the movement of Shri Pawrel alias Sharma. Here this Bill is very relevant. I say this because this is the kind of thing that this Bill will help. The Police report of the affidavit or the statement filed by Mr. A. M. Khan, O. C., Gorubathan P. S.—am I right Mrs. Maya Devi Chetty?—Kalimpong says:

"His main campaign rests on his pretended propaganda that although the Forest Department Officers are receiving more money towards defraying expenses on account of labour they are making less payments and misappropriating the balance. The malicious propaganda produces provocative influence on the labourers, who under his influence have organised demonstrations and large scale intimidation on the local forest department employees; but the calculated outburst of acute lawlessness was thwarted due to timely action of the Police. The subject is reported to have organised subversive activities in these areas, which borders Bhutan and thereby has greater international implications."

After all he is the Officer-in-charge of the Police Station.

was the Prime Minister of the country and that would have been his protection. Therefore you see how wide the law is. Now they say in Clause 3(2) :

“Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is, or is likely to be prejudicial to the maintenance of public order or essential supplies or services in the said area or to the interests of the safety or security of India, shall be.....”

Now you have the provision of the Defence of India Rules imported here. You have the provision of the Preventive Detention Act imported here. Now, what has this got to do with the territorial integrity? What has this got to do with any other part of India as far as essential supplies and so on are concerned? Here they bring in this thing with a view to persecuting normal trade union activities. This is what I say. In this connection, I would like to refer to the case of Shri Krishna Bhakat Pawrel alias Sharma.....

Shrimati Maya Devi: From Kalimpong.

Bhupesh Gupta: From Kalimpong. You know it. The case came up in the Court of Shri D. C. Mookherjee, M.A., LL.B. He seems to be writing all these degrees. I do not write them. Normally, a Magistrate should not write his degrees. He is M.A., B.Sc., LL.B., W.B.C.S., Sub-Divisional Magistrate, Kalimpong, Magistrate 1st Class. Here certain orders were passed in case No. 20 of 1960. It reads:

“Whereas it has been made to appear to me that you have been visiting and engaging yourself openly in the jurisdiction of Gorubathan P. S. instigating Forest labourers with a view to incite them against

Shastri intends that kind of thing. I am not imputing motive to him. But what will happen is an objective fact of life, is something that you have to take into account. If this measure is given to them as an Act, those who administer this thing will take every opportunity to start cases, to bring frame-ups with a view to sending people to jail. It would mean giving the dog a bad name and hanging it. That will be the line taken. Now, I ask, with all respect to Shri Lal Bahadur Shastri, is that the way we are going to face the situation? Is that the way we are going to guarantee the articles in Part III of the Constitution, which deals with Fundamental Rights? Is that the way we are going to create confidence among the people? Is that the way we are building the country, when you have such a measure? It is not what you say here that matters. It is what will follow that matters. With all the good intentions on our part, I concede that Shri Shastri would not like taking a hand in prosecuting this party, perhaps even against the Communist Party. But what will prevent them from doing it? He has no jurisdiction. After the Bill is passed, it becomes a weapon in the hands of the local officers. Once it goes to a Court of law, it is a matter under the Court of law about which the Central Government will not be able to do anything. They can give directives but that will not take away its ugly process from which the country has to be saved. Now, Hon. Members may feel that perhaps it will affect some members of the Communist Party. They may seek consolation from the fact that some Communists will be affected by it. I do not say that Shri Shastri feels in that way. Many will not be affected. Perhaps you are feeling that way. But in the other House Mr. Bisht, a

Dy. Chairman: You must finish now Bhupesh Gupta. You have taken 1½ hours.

Bhupesh Gupta: I am finishing, Sir. Then it continues:

"Although he is reported to have concentrated on Forest Labour only, this may be a camouflaged move, which may take any shape any moment as the policy of the party to which the subject belongs is not at all clear."

Now, this is what he has said. How does it become camouflaged? Here you will see that even before this measure is passed the India-China border question and allied questions are brought in with a view to restricting the movement of a citizen under Section 144. This is how it is done. Now you can well imagine, after a measure of this kind is passed, what will happen. They will run amuck. They will arrest anybody and everybody engaged in the trade union movement, saying that he is interfering with the supply of essential commodities. Here it says 'maintenance of public order or essential supplies.' Somebody demands wages. Somebody demands food and somebody demands something else. They will say "All right. Now, we arrest you." Ordinarily they would not be in a position to send them to prison. Even if there was a trial, even if they could prove a false case, the conviction will be a few rupees' fine or jail for a month or so. But now if they can somehow or other bring in the charge sheet under Section 3 or Section 4 of the Criminal Law Amendment Bill, which they propose to pass, the people could be given three years' imprisonment. This is the provision. Therefore, I say that this measure will only give a handle to your oppressive officers. I do not say that Shri Lal Bahadur

Amendments will come later on. I take the suggestion of yours. I have given certain suggestions to plug the loopholes. Many loopholes are there. About the Trade Union activities, I have given notice of an amendment. That should not be considered prejudicially. But often what happens to those who may try to use this power improperly and abuse this power with a view to interfering with the fundamental rights of the citizens coming in the way of their normal discharge of duties as public men and so on? What happens to them? No provision is there. Therefore, I have tabled an amendment. Such people also should be punished. Why must we alone be in jail if we commit any crime? Why must not they be in jail if they are found to have abused their authority, produced wrong reports and misled the Government. They should also land in jail and share the sorrows and fortunes with us there a little. I ask that question. Therefore, there is no such thing. The Communist Party is there. They are attacking them like this. They go after them, arrest them, persecute them and put them into the jail. All clear signal is given to go into the battle and to have a field day against the Communists. Is this the way for a polite, humble, truth-seeking Home Minister to explain? Therefore, I have tabled an amendment in this regard. Then, Sir, certain people, foreigners who are known to have carried on prejudicial activities, people like Mr. George Palterson should not be allowed to go the notified area. Never. No permit should be given to them. Clear Kalimpong of such people—no matter who they are. I am all in favour of that. But go by evidence. When you declare a notified area, should you leave it to the magistrate to declare it or to the local authority? My amendment

thought that perhaps that would be the best way of winning elections and therefore the relations between the two countries were brought in for taking advantage of partisan electoral advantage. Results were disappointing no doubt. We won by a bigger margin of votes than we ever thought. Some of us thought that we might even lose. Some of us thought that we would win by a small margin. But we won with a big margin and it was demonstrated to the whole world that such things would not pay. So the individual candidates in an area connected with the local officials may try to pull wires in order to get through the election. Therefore, I say "Do not have it during that period."

Then here again I have suggested that if it is a case of the spoken word, do not rely for heaven's sake—if you believe in God, for God's sake—on the Police report. I have mentioned to you the report that was given to the Prime Minister and what kind of a report would it be if it were to come from the subsidiary department of Central Intelligence Bureau in Assam which gave such a magnificent account of itself during the Assam riots? Do not rely upon it. Therefore, if you deal with the spoken word, I say that every word spoken must be written down and the report should be taken simultaneously as the speech is made or as the words are spoken and then the matter should be proceeded with. I have given a whole series of amendments to make it proper so that you do not have to read wrong report and get acquainted with the wrong words which we never uttered. Then the report should come to the magistrate and should be at once....

Dy. Chairman: Amendments will take their place..

Bhupesh Gupta: I thought you referred to the report.

Dy. Chairman: Please wind up.

Bhupesh Gupta: I will continue tomorrow. You know I am a persecuted man. I will continue tomorrow, because nobody is speaking today. You have been very good and I must say that you know that man who is wrongly attacked and sought to be persecuted should be given his right of self-defence at least. It is a very healthy experience I am having from the Chair. It is good thing and also a very relevant thing. Nothing is irrelevant. Therefore, I say leave it to the Prime Minister. I say, during the time of the election, two months before the date of polling.....

Dy. Chairman: You may take another five minutes and finish the speech.

Bhupesh Gupta: No, Sir, I will continue at most.. (after a sharp discussion the Dy. Chairman gave permission to Bhupesh Gupta to continue his speech on the next day).

The House adjourned on Wednesday, the 3rd May, 1961.

3rd May, 1961.

Bhupesh Gupta: Let me now start by adding to the information which I was imparting yesterday to the Home Minister. I may inform him today this morning that the Magistrate of Chamoli District Mr. S. P. Watal—it is newly created district in Uttar Pradesh, told the Pressmen there that he was not facing any such problems due to prejudicial activities on the part of the Communist Party. I have given the name and I have also given the date; that is roughly the middle of November. Then another gentleman of the Garhwal Antarim Zilla Parishad, a Congressman, repudiated the allegations made

says that Members of Parliament and Members of the Assembly from that area and the groups in that State should be called in a meeting. The Government should explain things to them and seek their opinion. Shrimati Maya Devi Chettry will be there. I will not be there, she will be there. Congress people will be more. I leave it to the good judgement of the Congressmen and, if I may say so, Congress women also to say what should be done. But it should be done on the advice not of a Police Sub-Inspector, but on the advice of the M.L.A.'s and M.P.'s and I say, consult the party leaders also there. Call a meeting. If there is divergence of opinion, settle it. Suppose somebody says that the Communist Party might go there and come in the way of Shrimati Maya Devi Chettry advising that a notification should be issued, I say do not send it to the General Secretary of the Communist Party. Refer the matter to the Prime Minister for final decision. Let him take the final decision because he will bring his judgement to bear upon this matter, he will bring his statementship to bear upon this matter. I think we would not be easily carried away by personal or small, petty considerations or prejudices or local considerations; he will take into account the bigger perspective and also the consideration as to how this measure should be viewed. Therefore, in the event of any divergence of opinion arising as to whether an area should be notified or not, it should go in the first instance to a committee of this kind and a meeting of this kind should be held and if the meeting cannot come to an agreement and if there is serious divergence of opinion, then refer the matter to the Prime Minister. I have faith in the Prime Minister in this matter. But they do not say that I have faith in him.

in it. Congressmen there, I must tell you I am not saying that there are such prejudicial activities on the part of the Communist Party they are accusing that the Communist Party people are very active. The Police is harassing people and intimidating people. I can understand the P.S.P. and the Jan Sangh getting very angry with us. All of them together cannot get more votes than we can. But the Congressmen naturally are also a little upset about it. Therefore that aspect of the matter should be borne in mind.

Then Sir, I have calculated it. We have 8,000 miles of borders and if you calculate it on the basis of thirty miles deep, 2,40,000 square miles would be within the range of this measure. Such a huge area, taking the country as a whole, would be open to the excessive powers. Is it good? Is it fair? Such things should not be done. It is a badge of shame for any parliamentary institution and democracy that you throw open such huge areas to oppressive measures and caprices of high-handed officials.

Then, Sir, the other day I was very sorry to read in the Press report that the Deputy Chairman said that I was trying to camouflage. There again, I make a sub mission. When there is a controversy between us and the Government, the remark should, I think be such that it does not lead to the interpretation as if the Chair is supporting somebody else. I do not say that you are supporting, but the way the Press has presented it in bold letters, it would be doing injustice to the Deputy Chairman. But anything, here I was unveiling the story that was not told by the Hon. Minister there, the story of Mr. Patterson, the imperialist agents and those who carry on anti-national activities directed against the

against the Communist Party. Good Congressmen are there; many of them are there. This was done two months ago. Then Mr. Jogeswar Prasad Khandoli, President of the District Congress Committee of Garhwal also in his private talks with friends and others repudiated these allegations. I do not know how many Congressmen I should name.

Dahyabhai Patel: Begin with the top.

Bhupesh Gupta: Please don't disturb me; time is short. It is not merely a question of civil liberties and rights being curtailed. I shall give another example. Normally as matters now stand, Uttar Kasi, Chamoli and Pithoragarh are declared as border area. Tehri Garhwal and Almora are not so declared. So what happens? There some people by talking about this kind of thing are trying to create a war psychosis and they are carrying on such propaganda, do you know for what? Not, because they are particularly against the Communists but they think that by doing so they would catch the attention of the Central Government and could get more cement, more allocations, more grants and in that way they could have some improvement. It is a wonderful thing going on there. The Government are sending cement at a cost of Rs. 7 per bag to Garhwal and the Chamoli area. But they do not need it; the contractors who get it sell it in the black market at Rs. 14 per maund. I think the Government is losing some money there. Shri Shastri will kindly note that he is adopting such a policy that large quantities of cement go to such areas with a view to protecting the border but that is being sold in the black market.

That is why some lawyers, one or two lawyers, are talking about these things, although they do not believe

we asked questions and supplimentaries, there was always evasion. Today they are coming down upon their countrymen. the Communist Party of India, because they do not like that Party because we happen to be major challenge from the electoral and other points of view. I do not say that we are equal to the Congress Party, but certainly we are a big challenge. How is it—he should satisfy you, Sir, that for ten years his activities were going on. Were they all sleeping in the Secretariat of Delhi? Were they all sleeping in the Central Intelligence Bureau under the Government of India? Were they all sleeping in Kalimpong and other places, where openly armed bands were organised by these people and so on? Now, Sir, at that time they did not feel the need for bringing forward such a measure. But as the third general elections are coming, as they have to make some concessions to the rightist elements in the country, because otherwise some Swatantra gentleman might be shouting somewhere else, they have brought forward this Bill. Well, Sir, they may hit us, some of us. We can take it. We have taken many hits from them. But what would be most hit by this kind of thing is the institution of democracy in our country, fairness in public life and justice in public life. That is what I fear. Dr. Kunzru will not be hit, because he never hits anybody. He is neither hit by us nor by the Government, nor by the British nor by the Congress. He had been an unhit man all his life. But we have been hit variously. We have been hit by the British. we have been hit by them.

Kunzru: You hit me.

Bhupesh Gupta: Never. You are a very innocent man. Sometimes you are saying things in favour of the Americans. After all I like you so much that I cannot

public interests of the country, which undermine the honour and prestige of the country, activities directed against the stand of the Govt. in foreign affairs. That is what I was doing. I would like to know from the Hon. Minister, when he replies, what he has to say about the series of allegations Mr. Patterson had made about his own contacts with certain officials of the secret service of the Govt. of India. That should be made clear. Let it be repudiated. I think that should be made clear.

Now, these are the police who are being armed perhaps with such excessive powers. I was a little shocked to learn that a foreign correspondent, this gentleman, Mr. George N. Patterson, addressed a meeting at Sapru House on the 7th Nov. and spoke on certain Tibetan affairs. Where is he now? I would like to know it from the Home Minister. What happened? Did you cancel his visa? Did you cancel his permit? If it were so, how is it that he was at large somewhere in Delhi addressing a meeting in Sapru House? And I was told that certain Deputy Ministers—I will not name them—was present at the meeting—I would like to know these things. These are the stories, but why do such things happen? How is it that today I have to narrate the story of the prejudicial activities of a certain imperialist agent, who claimed himself to be an agent, who claimed himself to be an agent of Britain, of American and what not, who accused the Govt. and Mr. Nehru in his books? He accused many others. How is it that I have to tell that story in the House? How is it that during the ten years he was carrying on such activities, which have been related now in his two books, one published in 1960 and another in 1959, the Government did not bring forward such a Bill as this? The Government did not mention this thing. When

namely, the Jana Sangh, the Swatantra Party and our Hon. friends from the P.S.P. sometime joining the chorus. Such is the position. Why do you have then such a Bill? It will be abused. People will be attacked there. The rights and liberties of the common man will be attacked. The officers will be oppressive and the funds of the Government will be utilised for all kinds of ends and not for real, constructive activities. Such is the position. Now, I think, again he knows the border areas. There they are very weak. Mr. Datar said the Communist Party was active. Why are you upset if we are active? When people suffer, we have to fight for the rights of the people. Even foreign policy is attacked in the borders by the Jana Sang and the Swatantra parties. We have to defend it. If you do not do, we have to defend your progressive declarations and so on. We have to do common work for the reconstruction of the country and for the betterment of the country. Why are you upset if we are active? I cannot understand it. Now, this is not the right way. He gave out his mind when he said the Communist Party was active. We are not a party that goes to sleep. We are an active party and we shall continue to be active, active in the interests of the country and in the interest of the people. (Time Bell). We shall continue to be active.

I appeal finally to Shri Lal Bahadur Shastri to take back this infamous measure and save the fair name of the country, from calumny.

think of doing any harm to you. You are so innocent, because nobody follows you in the country. I know this and, as Mr. Nehru and I said the other day, being an independent he is above all of us. He is a high altitude man. But then we have to see, as he will be speaking. You will hear what he has to say, because he has read some of the things in the Library already and he will be saying something. But here I say the Government is doing the wrong thing. How do you present your country before the world? You present it in a wrong light. In our country the situation is not such, that you need such extraordinary powers to maintain the integrity of the country, the territorial integrity, and so on. It is not so happily. And why do you make the country look as if the internal condition is such that such a measure is needed? Why do you make it look like that? Why do you indirectly defame the country in the outside world just because of your partisan interests, just because it suits you to hit some Communists and so on? I think they are placing the interests of the party, certain prejudices, before the interests of the country. (Time Bell). Sir, you have rung the bell. Two minutes are there. Therefore, I shall finish in two minutes. Finally, I would appeal, if I may make an appeal to your sense of reason that even now there is time to withdraw this Bill. I know that the Bill will be supported. The support has been got ready. I know that not many people will support it and some people just because they belong to a particular Party. But I do not think that you should strain your party discipline every time in this manner. I know that left to themselves many Congress men would not have liked the Bill. The demand for this Bill came from the opponents of the foreign policy of the Government

who are not Government servants or in any way connected with the Congress organisation or any other organisations known for their opposition to the general foreign policy of the Government of India.

Provided also that no such report shall be admissible as evidence unless the report has been submitted to a Magistrate of the first class within twenty-four hours of the words so spoken and recorded together with the comments on the same by the person who has spoken those words."

New Clause 2A.

Sir, I move—That at page 1, after line 12, the following new Clause be inserted, namely :—

"2A. Any person, whether public servant or not, who makes a distorted, ~~gabled~~ or otherwise an incorrect report or complaint against a citizen of India with a view to incriminating him under Section 2 shall be punishable with imprisonment which may extend to three months, or with fine, or with both."

Clause 3 (Statements, etc. in a notified area prejudicial to maintenance of public order etc., therein or to safety or security of India and regulation of entry of persons in such area.)

Sir, I move—That at page 1, for the words "safety or security of India or in the public interest" the words "territorial integrity of India" be substituted.

That at page 1, after line 19, the following proviso be inserted, namely :—

"Provided that no such notification shall be made in respect of any area within three months immediately preceding the polling dates for a general election or by-election to the House of the People, State Legislative Assembly or Territorial Council, unless a Board consist-

AMENDMENTS TO THE CRIMINAL LAW AMENDMENTS BILL TABLED BY SHRI BHUPESH GUPTA.

(*Rajya Sabha Proceeding—3rd May, 1961*)

(A large number of amendments to the bill were tabled by Shri Gupta. But not a single amendment has been accepted by the Government. We give below some of the important amendments, which are self-explanatory.)

Clause No. 2—Questioning the territorial integrity of frontiers of India in a manner prejudicial to the interests of safety and security of India.

Shri Bhupesh Gupta: Sir, I move :

That at page 1, line 10, for the words "safety or security" the words "territorial integrity" be substituted.

That at page 1, line 12, for the word "years" the word "months" be substituted.

That page 1, after line 12, the following provisos be inserted, namely.—

"Provided that no one shall be punished for spoken words except on the basis of (i) the complete and exact report of all the words so spoken, and of (ii) the prior verification of the correctness or otherwise of such report by the person who has uttered the words :

Provided further that no such report shall be admissible as evidence unless it is taken down openly and at the time when the words were actually spoken :

Provided also that no such report shall be admissible as evidence unless, immediately after the recording is complete, it is attested and signed by at least five persons

That at page 2, *after* line 3, the following proviso be inserted, namely:—

"Provided that no peaceful activity in pursuance of normal trade unionism or for the improvement of the wages and earnings of the workers, peasants and other sections of the working people or for the advancement of the cause of the tribal people and backward communities as envisaged in the Constitution or for securing adequate supply of foodgrains and other essential necessities of life or for the provision of better housing and communication shall be deemed prejudicial."

That at page 2, *after* line 3, the following be inserted, namely:—

"(2A) Any person, whether public servant or not, trying to interfere with the normal trade union activities in the notified area or in the exercise of the fundamental rights of the residents in such area by attempting to take recourse to the provisions of this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both."

That at page 2 *after* line 11, the following proviso be inserted, namely:—

"Provided that no person who is not a citizen of India and who is known to have interfered in the internal affairs of any neighbouring country at any time from the Indian soil or has committed other forms or prejudicial activities shall be allowed to remain in or enter any notified area."

Clause 4: Power to declare certain publications forfeited and to issue search warrants for the same.

Sir, I move: That at page 2, *after* line 42, the following proviso be inserted, namely:—

ting of three Judges of a High Court or the Supreme Court, on a special reference by the Government to examine the reports about the area concerned, comes to the conclusion that there are reasonable grounds for making such notification:

Provided further that in all cases where a notification under Sub-Section (1) of Section 3 is proposed to be issued, the Government under whose jurisdiction the area concerned is situated shall call a meeting of the representatives of all political parties in the State or the Centrally administered area concerned, as well as of all members of Parliament and State Legislature or the Territorial Council concerned, as the case may be, elected from the area concerned, at which all relevant grounds for issuing the notification shall be explained and the opinion of those present shall be sought and recorded for consideration by the Government :

Provided also that if there is a strong divergence of opinion as to the advisability of issuing such a notification, the entire matter shall be referred to the Prime Minister of India for final decision and the Prime Minister may constitute a fresh enquiry to assess the situation in the area concerned and consult the representatives of all parties and groups represented in Parliament before taking the final decision in the matter."

That at page 1, after line 19, the following be inserted namely,—

"1(A). All notification issued under Sub-Section (1) of Section 3 shall expire sixty days after the date of the issue of such notification."

That at page 2, line 3, for the word "years" the word "months" be substituted.

as the Chairman of the Council of States and the Speaker of the House of the People, at their own instance or at the request of the Members, may ask for from time to time."

Clause 1 : Short title and extent.

Sir, I move: That at page 1, after line 6, the following be inserted, namely:—

"(3) It shall expire on the 31st day of October, 1961."

CONCLUDING SPEECH BY SHRI BHUPESH GUPTA
IN THE RAJYA SABHA ON 3RD MAY,—THIRD
READING OF THE BILL

Bhupesh Gupta: Just a few words only, Sir. You may ask why I get up. I don't want to trouble you, but still I must say that I oppose this motion. You will pass it now and so I can only say how you should behave. The Government has displayed its utter lack of faith in themselves by bringing in this legislation. This measure is conceived in bad faith and produced in bad faith and I fear it will be executed and worked in bad faith. This is all I would say. I would say that such a measure was unnecessary for the country today. But they have decided, for the interests of the party, to have it and they must have their way, because they command a brute majority in Parliament. And somehow, this time they have obtained support from some opposition groups, playing up the anti-Communist prejudice. Let it not be said that this measure is purely for safeguarding territorial integrity and so on. The speeches made on the floor of the House by some Hon. Members and by the Government have made it absolutely clear that this

"Provided that no action under this Section shall be taken unless a Magistrate, after going through the alleged prejudicial matter contained in the book, newspaper, or document, as the case may be, finds that *prima facie* there are reasonable grounds for taking action under this Section, and authorises such action being taken."

That at page 2, after line 42, the following proviso be inserted, namely:—

"Provided that all powers exercised under Section 4 shall be reported at the earliest available opportunity to the Parliament in the case where the Central Government have exercised the powers, and to the State Legislature concerned where a State Government have exercised such powers for consideration."

Clause 5: *Application to High Court to set aside order of forfeiture.*

Sir, I move: That at page 3,—

(i) in line 21, for the words "No order" the words "Any order" and for the word "shall" the word "may" be substituted; and

(ii) in lines 22-23, the words "otherwise than in accordance with the provisions of this section" be deleted.

That at page 3, lines 22-23, for the words "otherwise than in accordance with the provisions of this section" the words "except by person or persons aggrieved by such order or action" be substituted.

New Clause 6.

Sir, I move: That at page 3, after line 23, the following new Clause be inserted, namely:—

"6. The Central Government shall place before both Houses of Parliament for consideration a quarterly report on the working of this Act including such information

will suffer tomorrow, if not today, because history will one day judge of such measures and the people will judge by how it is worked. The working of this measure will disclose the mischief and the bad faith underlying the whole scheme of things. I do not want to say anything more. I oppose it. Why? I know a hornet's nest will be created about what I say. But at the same time I felt that the Communist Party should have the courage to get up here on the floor of the House and before the bar of public opinion to condemn what it feels to be wrong and to assert what it thinks to be right, and that is what I am doing here. I know if the audience were merely what I see here, I would not have wasted the time of the House. But outside there is a greater audience and the greater Parliament, the public of India, will judge of things and they shall judge it at the time of the general elections. The P.S.P. may say so many things and level so many charges against us. I may tell them that all their attacks have led to such a result that the Party is getting wound up in the country and the Communist Party is gaining strength day to day. Traitors do not grow in a glorious and noble country. It is an insult to the people to call the Communists traitors, when that party is gaining strength every day. It is a serious thing in the scheme of things that we have today that a major party like the Communist Party of India which is in Parliament should thus be abused, attacked, insulted and sought to be called "traitor" by the people who need not tell us what patriotism is. Patriotism is not cosmetic of fashionable ladies to be displayed about and used here in Parliament. Patriotism is something to be seen and shown among the people, the workers, the peasants, the intellectuals, the

measure is politically designed to attack a particular party in the country and all members of that party and all movement led by that party, all trade union activities and so on. That is quite clear. This is a measure which has been brought forward to terrorise and intimidate the people by playing on prejudices and chauvinistic sentiments of some people. That is quite clear. It is also quite clear that they will attempt to blackmail the people to toe the line in everything and not to have a word of criticism against the Government where even fair criticism is called for, because they will be subjected to terrorism. Here is a measure, I say again, which gives extraordinary powers in the hands of the Police officials and the Executive over whom Parliament has only national control and no mistake about it. I know that in the border areas and in other places, this measure will be used for the purpose of oppression and it will be no consolation for us if at that time some Hon'ble Members spoke regretfully over this matter. That is what I say. Sir, it will be a shame for us and it will be known to the world that country like India which is developing its Parliamentary institutions and systems and which is led by such a personality like Shri Jawaharlal Nehru who is at the head of the Government, should require a measure like those formulated and promulgated in Pakistan in the terrorist regimes of Iskander Mirza, Ayub Khan and those who preceded them. It will be profound shame for everybody. This is what I say. Today you may pass it. You have passed it, almost. I know it for fact. And I know how it will be used. What about the moral prestige of the Government? Its ego will be satisfied, but the moral prestige of the Government will suffer seriously because of this measure. It

I am sorry that I have to speak and I am sorrier still that our Parliament today, after thirteen years of independence, have to pass such a measure, to tell the world that unless this measure, this precious little thing, is passed, Indian independence is not going to be defended, national existence will be in jeopardy. I have greater faith in our independence and national existence, and I know that all people of all parties, progressive and patriotic minded people, will cherish it, defend it and protect it. Therefore I have no lack of faith, but it is they who display lack of faith. I have no doubt about it. It is a matter of deep sorrow and I was very sorry when others because of anti-Communism, supported this measure. I do not wish to say anything; many people spoke. I have no quarrel with them. Many well meaning people from the opposite side, people who take a progressive stand in other matters, spoke rather strongly against us. I do not quarrel over that. I judge them as a whole. Although I may disagree with them in certain matters and they may disagree with me in regard to certain others, broadly speaking, of foreign policy, in the matter of how the country should behave in the world, there is a vast measure of agreement. The field of agreement is far greater than the field of disagreement. It is the area of agreement which is wider than the field of disagreement. I draw inspiration and strength from that.

I only want to submit this thing to the Government. Let Shri Lal Bahadur, even if he has not accepted any of our amendments, see that this measure is not abused by the Police and other officers of the Government. He should see that his partymen and others do not take recourse to this measure with a view to grinding a

middle class and small tradesmen. How is it, even when you call us such names, the Communist Party is redoubling its strength and going ahead to gain the support of the people? Have all the people become traitor-lovers? They need not call us. I don't call the Congress Party traitors. I call them a party of what it is. I do not call anybody that way that they are individuals may be. Individuals may be, but they talk in that language. Our friends of the P.S.P. said, "Mr. Bhupesh Gupta and his agents." Let them know this. The P.S.P. has been parotically liquidating itself because of its anti-Communism. I wish them good luck. Let them go on indulging in their anti-Communism but they shall be wiped out from other States also. I throw this challenge on the floor of the House that at least in one State, the State from which I come, the P.S.P. will be paid dividends and interests in the next General Elections. Take it from me.

I think the time has come to stop this chauvinistic jingo of anti-Communist propoganda. I wish you would stop this. You may disagree with me and I may disagree with you. When the Prime Minister said something in the United Nations and called the China-issue a 'controversy,' he was attacked by the Right in the country, the Swatantra Party and the P.S.P. They asked as to why the Prime Minister had not called it aggression. Now you are feeding the very forces which direct their attack even against the Prime Minister. I would ask Shri Shastri to ponder over the course of action that he has taken. Whatever may be his intention, if this course is pursued, whatever the intention of well meaning Congressmen may be, it will only strengthen the forces of internal reaction that we all want to curb and put them in their proper places.

political axe against the Communist Party. He should see that this measure does not become ammunition in the hands of the right reaction who may attack us today, will surely attack, as surely as the sun rises in the east, all progressive elements in the Congress and even the Government whenever it takes a progressive step. That is all I wish to say in regard to this.

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