

---

# Dr. Lohia Ordered to be Released

(FROM OUR LEGAL CORRESPONDENT)

NEW DELHI, Sept. 7.

The Constitution Bench of the Supreme Court, to-day, by a majority of four to one, has directed the release of Dr. Ram Manohar Lohia, Socialist leader and Member of Parliament, from detention, on the ground that his detention was not under the relevant provision of the Defence of India Rules.

Dr. Lohia was detained under Rule 30(1)(B) of the Defence of India Rules by the District Magistrate, Patna, on August 9, 1965. In the *Habeas Corpus* petition filed in the Supreme Court challenging his detention, Dr. Lohia contended that the detention orders in question were not in terms of Rule 30(1)(B) (under which the orders were purported to have been passed) inasmuch as the rule did not justify the detention of a person to prevent him from acting in a manner prejudicial to the "maintenance of law and order." (The orders directed the detention for such purpose).

## **"PUBLIC ORDER" AND "LAW AND ORDER"**

Accepting this contention, the majority judgment said that the rule provided for an order of detention being made to prevent acts prejudicial to the "maintenance of public order." It was observed that "public order" and "law and order" were not the same thing, and therefore, though an order of detention to prevent acts prejudicial to "public order" might be justifiable, a similar order to prevent acts prejudicial to "law and order" would not be justified by the relevant rules.