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Thursday, October 28, 1976

Kartika 6, 1898 (Saka)

LOK SABHA DEBATES

(Eighteenth Session)



(Vol. LXV contains Nos. 1-9)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES

LOK SABHA

Thursday, October 28, 1976 | Kartika,
6, 1898 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

PAPERS LAID ON THE TABLE

DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT RULE, 1976

THE MINISTER OF SHIPPING AND
TRANSPORT (DR. G. S. DHILLON): I beg to lay on the Table a copy of the Dock Workers (Regulation of Employment) Amendment Rules, 1976 (Hindi and English versions) published in Notification No. S.O. 3559 in Gazette of India dated the 9th October, 1976, under sub-section (3) of section 8 of the Dock Workers (Regulation of Employment) Act, 1948. [Placed in Library. See No. LT—11419/76].

NOTIFICATIONS UNDER CUSTOMS ACT,
1962 AND CENTRAL EXCISE RULES,
1944 AND RE. SUPPLY AND DISTRIBUTION
OF STAMP IN TAMIL NADU AND
STATEMENT FOR DELAY

THE MINISTER OF STATE IN-
CHARGE OF THE DEPARTMENT
OF REVENUE AND BANKING
(SHRI PRANAB KUMAR MUKHER-
JEE): I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962:—

(i) G.S.R. 797(E) published in Gazette of India dated the 10th September, 1976.

(ii) G.S.R. 798(E) published in Gazette of India dated the 10th September, 1976.

(iii) G.S.R. 842 (E) published in Gazette of India dated the 12th October, 1976 together with an explanatory memorandum.

(iv) G.S.R. 846(E) published in Gazette of India dated the 14th October, 1976 together with an explanatory memorandum.

[Placed in Library. See No. LT—11420/76]

(2) A copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944:—

(i) G.S.R. 1393 published in Gazette of India dated the 25th September, 1976 together with an explanatory memorandum.

(ii) G.S.R. 1492 published in Gazette of India dated the 16th October, 1976 together with an explanatory memorandum.

[Placed in Library. See No. LT—11421/76]

(3) (i) A copy of Notification No. L. 5237/75 (Hindi and English versions) published in Tamil Nadu Government Gazette dated the 17th March, 1976 making certain amendment to the Rules for the supply and distribution of stamp as in force in the State of Tamil Nadu under sub-section (2) of section 75-A of the Indian Stamp Act, 1899 read with clause (c) (iv) of the Proclamation dated the 31st January,

1976 issued by the President in relation to the State of Tamil Nadu.

(ii) A Statement (Hindi and English versions) showing reasons for delay in laying the above Notification.

[Placed in Library. See No. LT—11422/76]

NOTIFICATIONS UNDER ALL INDIA SERVICES ACT, 1951 RE. IAS, IPS AND IFS

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951:—

(i) The Indian Administrative Service (Appointment by Promotion) Fifth Amendment Regulations, 1976, published in Notification No. G.S.R. 1461 in Gazette of India dated the 16th October, 1976.

(ii) The Indian Police Service (Appointment by Promotion) Second Amendment Regulations, 1976 published in Notification No. G. S. R. 1462 in Gazette of India dated the 16th October, 1976.

(iii) The Indian Forest Service (Appointment by Promotion) Third Amendment Regulations, 1976, published in Notification No. G.S.R. 1463 in Gazette of India dated the 16th October, 1976.

(iv) The Indian Administrative Service (Cadre) Amendment Rules, 1976, published in Notification No. G.S.R. 1464, in Gazette of India dated the 16th October, 1976.

(v) The Indian Police Service (Cadre) Amendment Rules,

1976, published in Notification No. G.S.R. 1465 in Gazette of India dated the 16th October, 1976.

(vi) The Indian Forest Service (Cadre) Amendment Rules, 1976, published in Notification No. G.S.R. 1466 in Gazette of India dated the 16th October, 1976.

[Placed in Library. See No. LT—11423/76]

POST-GRADUATE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH, CHANDIGARH (AMNDT.) REGULATIONS, 1976 AND CERTIFIED ACCOUNTS OF AIIMS, NEW DELHI FOR 1974-75

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (SHRI A. K. M. ISHAQUE): I beg to lay on the Table—

(1) A copy of the Post Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Regulations, 1976 (Hindi and English versions) published in Notification No. G.S.R. E3 in Chandigarh Administration Gazette dated the 18th May, 1976, issued under section 32 of the Post-Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966.

[Placed in Library. See No. LT—11424/76]

(2) A copy of the Certified Accounts (Hindi and English versions) of the All India Institute of Medical Sciences, New Delhi, for the year 1974-75, under sub-section (4) of section 18 of the All India Institute of Medical Sciences Act, 1956.

[Placed in Library. See No. LT—11425/76]

INDIAN TELEGRAPH (EIGHTH AMNDT.) RULES, 1976

THE DEPUTY MINISTER IN THE MINISTRY OF COMMUNICATIONS (SHRI JAGANNATH PAHADIA): I beg to lay on the Table a copy of

the Indian Telegraph (Eighth Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1320 in Gazette of India dated the 11th September, 1976, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885. [Placed in Library. See No. LT-11426/76]

REVIEW AND ANNUAL REPORTS OF ORISSA AGRO AND SMALL INDUSTRIES CORPORATION LTD., CUTTACK FOR 1968-69 AND 1969-70 WITH STATEMENTS FOR DELAY AND NOT LAYING IN HINDI

THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI PRABHUDAS PATEL): I beg to lay on the Table—

(1) A copy each of the following papers under sub-section (1) of section 619A of the Companies Act, 1956:—

- (i) Review (Hindi and English versions) by the Government on the working of the Orissa Agro and Small Industries Corporation Limited, Cuttack, for the years 1968-69 and 1969-70.
- (ii) Annual Report of the Orissa Agro and Small Industries Corporation Limited, Cuttack, for the year 1968-69 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.
- (iii) Annual Report of the Orissa Agro and Small Industries Corporation Limited, Cuttack, for the year 1969-70 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.
- (2) A statement (Hindi and English versions) explaining the reasons for not laying

simultaneously the Hindi versions of the Reports mentioned at (ii) and (iii) above.

(3) A statement (Hindi and English versions) showing reasons for delay in laying the documents mentioned at (1) above.

[Placed in Library. See No. LT-11427/76]

NOTIFICATIONS UNDER GOVT. SAVINGS BANKS ACT, 1973 AND GOVERNMENT SAVINGS CERTIFICATES ACT, 1959

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI): I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 15 of the Government Savings Banks Act, 1873:—

- (i) The Post Office Savings Banks (Fourth Amendment) Rules, 1976, published in Notification No. G.S.R. 813(E) in Gazette of India dated the 24th September, 1976.
- (ii) The Post Office Savings Banks (Fifth Amendment) Rules, 1976, published in Notification No. G.S.R. 1469 in Gazette of India dated the 16th October, 1976.

[Placed in Library. See No. LT-11428/76]

(2) A copy of the National Savings Certificates (Fifth Issue) (Third Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 824 (E), in Gazette of India dated the 29th September, 1976, under sub-section (3) of section 12 of the Government Savings Certificates Act, 1959.

[Placed in Library. See No. LT-11429/76]

11.02 hrs.

CONSTITUTION (FORTY-FOURTH AMENDMENT) BILL—Contd.

MR. SPEAKER: Further consideration of the Constitution (Forty-Fourth Amendment) Bill. The Law Minister.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Mr. Speaker, Sir, I am grateful to hon. Members who have participated in the debate. We have had a good discussion for three days and I am particularly gratified to hon. Members who are on this side of the House, who have made a sizeable contribution to the discussion. From the other side, there have been a few good speeches and some contribution. But quite many others continue to take the same attitude and the same position which they have been taking in this regard in this House and outside the House ever since and even before the amending Bill was introduced in the House on the 1st September.

We heard some speeches yesterday from some opposition Members saying as if they alone are the representatives of the people. They complained that we had no mandate; that this Parliament had no mandate; and as if their mandate consisted of opposing a measure and remaining outside the House when such matters of great significance to the nation were being discussed and were to be decided. I, therefore want to emphasize again and, in fact, what our leader the Prime Minister said yesterday that this is not the rare formulations which we get ordinarily. She said, "To non-cooperate with Parliament is to non-cooperate with the people." When a Member is elected to Parliament, whatever other mandate may be the basic mandate is that he will go to Parliament take part in the highest organ of the legislature and make his contribution according to his capacity and understanding. But this has not happened.

In her speech which we heard yesterday from the Prime Minister, I think, the crux of the matter was put very pithily in two or three sentences and I do not suppose anyone else can improve on it. She said, "This is what the Present Bill does. It is responsive to the aspirations of the people and reflects the realities of the present times and the future". Now, it is a measure of this importance that we have considered and discussed in the House for the last three days and will continue to discuss it for the next few days when we come to the details of the various provisions of the Bill. On that, I have found, there has been a great deal of anxiety which is understandable.

With regard to the role which the Courts in this country have played in matters of such great importance affecting the lives of millions of people in our country in all this process which we started many, many years ago and particularly in 1967 when the so-called intrusion into the field of the Legislature began to be made by the Supreme Court, one person has become famous—almost world famous—and that is Golaknath. Everyone referred to him and Golaknath even shadowed the importance of Kesavanand Bharati and it is when that judgment made such an intrusion into the field of the Legislature and its supremacy that we regarded it our duty, our primary duty, to do everything that we can within our power to establish and to assert that supremacy of parliament about which all of us—or at least very many of us—have spoken at length in the course of the debate.

I intend to quote again something which has been quoted many a time. These are words of such prophetic significance that they will bear a little repetition—because, at this time, when we are talking of changes, we should be reminded over and over again of what Jawaharlal Nehru said in the Constituent Assembly. He said:

"So far as we are concerned, we who are connected with the Congress shall give effect to that pledge naturally, completely, 100 per cent and no legal subtlety and no change is going to come in our way: that is quite clear. We will honour our pledges within the limits and no Judge and no Supreme Court can make itself a third Chamber and no Supreme Court and no Judiciary can stand in judgment over the sovereign will of parliament representing the will of the entire country. It is obvious that no court, no system of judiciary can function in the nature of a third House, as a kind of a House of Correction. So it is important that, within this limitation, the Judiciary should function".

This warning was given to the judiciary not now when, as some people are inclined to say, we are really trying to say things about the Judiciary and trying, as it were, to denigrate or lower its importance, but these words were said even when the Constitution was being framed and was being discussed. Yet, unfortunately for us and more unfortunately for the judiciary, this prophetic warning fell on deaf ears and we have had, from time to time, situations where an atmosphere of confrontation was sought to be created by these very Judges who were to see that confrontation does not occur. So, it was our duty to see that they did not encroach upon the field which did not legitimately belong to them.

Sir, we have had a large number of very learned pronouncements from the Court from time to time, not to speak of these two which are very well known to us—Kesavanand and Golaknath—but when we look at the judgments we will find ultimately what great confusion is created by some judgements. I am inclined to say that not only hard cases but even big cases make bad law because this

is what these two big cases have done through the pronouncements of the Supreme Court of the land. Our anxiety now is naturally to see that we don't allow this kind of thing to happen again and in the present amendments which we are considering we should not leave any stone unturned, we should not leave anything undone, which is necessary to be done to see that, in future, such a thing does not happen again. And that is why, in article 368, in the amendment which we are going to consider later when that particular clause will come up for consideration, we have unequivocally stated that the Supreme Court will have no jurisdiction whatsoever to entertain, and much less to decide, any question relating to the validity of a Constitutional Amendment. If, even after this warning is given again, not by mere spoken words but by incorporation of an express provision in the Constitution of this country, things like this recur, which I hope will not, I think, it is a bad day for the judiciary of this country. It is this which, I hope, they will understand even now, so late, and will so direct their attention to other matters which can be regarded as belonging to their legitimate field and not to any other. Yesterday, Sardar Saheb has very properly pointed out that we are not doing anything to infringe on their powers, but we are really trying to save them from the temptation of intruding into powers which do not belong to them. It is not really that we want to save ourselves, the people, from them, but it is really to enable the judges to save themselves from this temptation—to save them from themselves.

A member of the Rajya Sabha, many years ago, who later became a judge of the Supreme Court—he is, of course not in the Supreme Court now—said these words, which were very much in the nature of a confession, in the Rajya Sabha; although I have said this once on an earlier occasion when

[Shri H. R. Gokhale]

other Constitutional Amendments were discussed, I am repeating it; he said:

"Law is one generation behind; lawyers are two generations behind; and judges are three generations behind."

SHRI P. K. DEO (Kalahandi): I would like to intervene for a minute.

SHRI H. R. GOKHALE: I am not yielding. Moreover, why should the hon. Member be worried about it?

I was about to say this. The distinguished Member of the Rajya Sabha as he then was, said 'three generations' at that time. Probably the history of judicial development in the country, since he spoke, has more than proved that the judges are many more generations, than three generations, behind. It is, perhaps, necessary now for them to have a look with introspection and find out as to how they can keep themselves, if not ahead of the society, at least in tune with the society. I think, it is not unfair to expect this of them.

It is in this background that Sardar Saheb has said that the provisions which are being proposed for being passed are, in that right spirit of telling the court where they stand and where Parliament stand. It is in that context that the Prime Minister has said yesterday—of course, she did not use these words—that the Supreme Court is not that supreme, that there is something else which is more supreme. There is a forum which is more supreme, than that court itself, and that is the forum where the representatives of the people sit, this Parliament.

With regard to the supremacy of Parliament, more and more has been said on many occasions and I believe, excepting for a few sitting on the other side, no one has ever disapprov-

ed of this proposition. In fact, it is the desire and the effort of everyone of us here to see, as I said earlier, not to leave any stone unturned, not to leave anything undone, which is necessary, so that the real position comes back again, and we are trying to restore that position back and nothing more.

We have been hearing criticisms here in the House and outside and some of them, who spoke, have said that they are the real representatives. One of the Members said that this is a more civilised way of looking at things. He used this word. In other words, he indicated that they and their friends are more civilised. That reminded me of a very interesting quotation: sometimes quotations are very useful and handy. When a question was asked in England, which is better, the House of Lords or the other House, the House of Commons, the answer given was:

"The House of Lords was a much better institution of course. We, in the House of Lords, are never in touch with public opinion. That makes us a civilised body."

Indeed, they are civilised, because everything that we heard and saw has clearly demonstrated that they are certainly not in touch with public opinion and I do not mind conceding to them their claim for civilisation.

When we read the speeches made outside the House, particularly the speeches of lawyers—some of them eminent in their own field, some of them ex-Judges, ex-High Commissioners, ex-Ministers and so on and so forth—we got the impression that almost everywhere, there was a captive audience and everywhere the same people, four or five, went round repeating the same thing and we noticed a lawyer's approach. I said, a lawyer's approach for this reason because there is a very interesting thing said about lawyers. I hope, it is

not true about all lawyers, but if it is true of all lawyers, perhaps I cannot be an exception. It was said, what about the image of the profession, the legal profession, the lawyers' profession, and the answer given was:

"What need has the profession of an image? We are not selling packets of cornflakes. Let us simply get on with our work to the best of our ability and people can take us as they find us."

So, it is true in a sense, because we will take them as we will find them. And we know that when they talk about these things in an entirely legalistic way, divorced from the current of public opinion, when they talk of things in which they exhibit an utter lack of contact with the people of the country, then obviously, we have to assume that they are only trying to show what they are. They are not the people, who can speak on behalf of the country, not because perhaps they cannot but because they are not aware of what the people of the country want. And it is in that spirit that a large number of comments were made on the Constitution Amendment Bill and in none of these speeches, as, I think, Sardar Saheb also mentioned and anyway some other people have said, the whole approach was merely political. I have no ground whatsoever to say that there is no political approach at all on an issue like this. But to confine it merely on a basis of a propaganda without going to the crux of the constitutional amendments and telling us how things are bad, they went on talking things on public platform which I would now add not only showed a lack of understanding of the people generally but a lack of understanding of the law also, of the constitutional provisions which are sought to be brought and what is there in the present Constitution. This is a misfortune in which this discussion has gone on the side of those very few people who have been

speaking about the constitutional amendments.

The people have been saying that the rights of the judiciary have been taken away, that it is reduced to a non-entity. Sardar Saheb has very elaborately dealt with this aspect. Therefore, I will not talk very long on this but I know that we have in this country a system which has not only defeated the ends of justice for which the judicial system is intended to exist but it has created complications which go far beyond that limit within which the judicial system functions and begins to affect a large number of other issues of great public importance. It has come to this almost that a person who goes to a court of law invariably comes back frustrated and disillusioned, either because he thinks that this system is not capable of giving him justice or because he thinks that it is a system where, at any rate, if he is an ordinary citizen, he has no rightful place. This is reflected again in a very good way when one partner of a firm wrote to his other partner, 'You have undertaken to ruin me. I will not sue you, for law takes too long. I will ruin you.' Certainly we do not wish to come to a stage where the whole judicial system goes out of gear, ceases to perform its functions for which it is really meant and if that is what is our objective, it is only from that point of view that it becomes our duty to consider the amendments which have been proposed in the Constitution and which pertain to the functioning of the judiciary in this country.

We have had no doubt very very long judgments. Some of them have gone into hundred and even two hundred pages and some of them even more, every judgment written separately, and one does not know sometimes whether they are saying the same thing and sometimes we do not know whether they are saying anything at all. I want to bring to your

[Shri H. R. Gokhale]

notice something which is not mine but something which a very distinguished Law Lord said. You know in England the House of Lords is the highest judicial forum and in one of the judgments he wrote:

"My Lords, there are several reasons which induce me to be as brief as I can. Since it is unlikely that any contribution of mine would be regarded as of value in clarifying the law of England, I may at least wind up the consideration of a disastrous case with economy, the lack of which is a notoriously discreditable feature of our jurisprudence." prudence."

No one in India is saying this. This is said by a very distinguished Law Lord in England when he simply refused to write a long judgment and emphasized the need for brevity. Many of the judgements have not contributed to the law of India here and also because that is the position it is better that we adopt the safe and better way of economy the lack of which he said is a notoriously discreditable feature of our jurisprudence. There is a tradition in England—at least in Privy Council there may be differences of opinion—but the differing judgments are not published. It is only the majority judgment which becomes the judgment of the bar. I wonder whether the judges in India should follow this practice and whether whatever they want to tell us they should tell us with one voice more precisely and understandably than what has happened hitherto before.

This is so far as the judiciary is concerned. But I cannot but refer to some of the points raised in this regard. With regard to the provisions in the Bill I certainly do not wish to go into technicalities, but some questions which can be regarded as questions of some general significance

have been raised and may be, it is appropriate, that when I am replying to the debate of three days, I should refer to a few of them when I deal with this matter. Some lawyer members of this House seem to be perturbed about the provision now proposed to be made in Article 226. We know and as I stated earlier in my opening speech, the power of the court, the jurisdiction of the court, is not taken away in matters which really, truly, belong to the sphere of a judicial decision. I have already said that since fundamental rights are there, subject, of course, to their being subordinate to directive principles instead of some fundamental rights, the judiciary has still a role to play and that role is to enforce those fundamental rights, if necessary by way of issuing writs which are mentioned in that Article. Any other violation of the Constitutional provision is not made immune from a challenge in the court of law.

No doubt, the words 'any other purpose' have been removed and as the Prime Minister mentioned yesterday, this recommendation was made a long time back by a Committee headed by no less a person than Pandit Jawaharlal Nehru. She said that in a sense discussion has been going on even from then. Therefore, it is not as if something new has occurred to somebody just now. But urgent attention to this matter had become necessary looking at the experience of the functioning of courts particularly when they were exercising their jurisdiction under Article 226. It is not appreciated as some people say that you have curtailed the powers of some, others say that you have not. Now all that I want to mention is—on the other side someone said that there must be some provision for preventing arbitrary exercise of power—now it becomes important to know and understand as to what is arbitrary. Every illegal action I will concede is an arbitrary action. Therefore, if a provision is

made that if it is shown that there is a violation of the law and an executive act is, therefore, bad on account of being violative of that law, challenge is still open before the High Court even after the passage of these amendments.

With regard to this also—some people said that you have now curbed it by saying substantially; we have of course curbed it for this reason that this injury is not substantial. If a claim or relief sought is merely technical. For example, if somewhere there is a provision in the law, let us say, that you have to give 21 days' notice for doing a certain thing, but the notice given is one day less, that is, 20 days, well, there is in strict parlance violation of the law. But, this one day less notice does not cause substantial injury to the person who has gone to the court.

So, all that the amendment says is that the court is not meant for redressing technical violations. A duty is enjoined on the court for that matter to be considered in every case. Where the injury complained of is substantial, then it needs relief at the hands of the court. I do not think that this is a curtailment because the judges had gone far, far beyond this, in many many matters. In many many high courts, if you look at the large number of writ petitions pending, they run into lakhs. A practice had developed that in some high courts you have only to go there and, worse than this is that, in some high courts, the rule permitted a Counsel appearing for the litigant to choose his judge.

So, what I am telling you is true. You go to a judge of your choice and then mention it before the Court that this is my petition so and so and the rule is on my side and it is issued for the asking. When a writ is issued for injunction whether it should be granted or not, that is not even

argued. And if an injunction is granted, as a result of that, a large number of cases particularly affecting development works have been held up for years and years together. I have come across cases where, in some high courts, investigations of criminal offences against a person—I do not wish to name it is not necessary because it is otherwise also well-known to the public and well-known in the field—have been held up. The course of justice was interrupted for years and years together. Matters of great public importance are being referred either to the commissions of enquiry or other forums, but they have not been allowed to proceed with those inquiries, because the courts have interfered and the Commission's judge is not allowed to proceed because of the injunction or orders issued by the Court.

Can any one person who will agree to take a view of a matter which is not based on justice but only on his own interest in the legal profession dispute that such things simply cannot be allowed to happen? If that is what the amendment of Art. 226 does, I would say that there is no justification whatsoever for saying that the powers of the high court are curtailed. Even, with regard to a quasi-judicial enquiry, there is power provided if there is an illegality, but a corollary is added and that is, that if such illegality has led to a substantial failure of justice.

Sardar Swaran Singh Committee recommended this for very good reasons because experience had shown that whether or not there is failure of justice merely on grounds which are technical, decisions of tribunals and other authorities charged with the responsibility of adjudicating on certain matters had been set aside. No one can honestly say that this is an encroachment on the field of the judiciary.

[Shri H. R. Gokhale]

So, what I am trying to point out is that on all basic and important matters and in matters which can legitimately be said to belong to their area, on all those matters, the judiciary is yet entitled to adjudicate as against an executive action or against judicial or quasi-judicial action.

Of course, some things were said that you have now made this change that you go to the Supreme Court for challenging a Central law or in a case where both a Central law and a State law are involved and you go to the High Court when you have to challenge a State law, and these are exclusive jurisdictions. Many people come up with the argument, 'what about the poor?'—people who have never thought of the poor. I wish some of them had thought of the poor when they were appearing in courts and appeared for the poor when their assistance was needed. They did not. It is a well known thing that in courts today the so-called well known legal luminary is not available for the poor litigant. They say—'with this provision, the man will have to go to the High Court and then again he will have to go to the Supreme Court, or in a case which can go only before the Supreme Court, in the first instance, he must rush to the Supreme Court. What happens if he is in Ernakulam, for example? Such examples were given. But I have reason to feel on the basis of the information which I possess that in almost all cases where a petition challenging the validity of a law has been filed in the High Court, they have invariably reached the Supreme Court. Therefore, the fact remains that the litigant who has gone to the High Court has to go the Supreme Court any way. Hence if this provision does this, that instead of asking him to go to two forums, he goes to one, it is as it should be.

The other day I asked someone about a particular case in a certain High Court. It was a significant case,

a case under the Food Adulteration Act—you can imagine it. He was asked how much he had spent. He said, 'Rs. 30,000'. Now surely he is not a poor man who has spent Rs. 30,000. Therefore, such people can certainly go to the Supreme Court in the first instance itself and obtain an authoritative decision on whatever is their grievance. But in respect of a State law where the Supreme Court ordinarily does not come in in the first instance, it is legitimate that the High Court, which is the highest court in the State, should have the jurisdiction to adjudicate on the validity of the State law, subject, of course, to a final appeal by way of special leave to the Supreme Court. Therefore, there also the argument that there is no remedy against a wrong judgment of the High Court is, to my mind completely baseless.

Now people have said this, this was again a point made incidentally by a lawyer. He asked 'What about pending cases?' Now, we have made a provision for pending cases. Unfortunately, it has not attracted that much attention which it should have, because from the point of view of what we are trying to achieve, a provision for dealing with pending cases is very necessary. A large number of cases, as I said just now, running into lakhs, are pending. Some writ petitions have already been admitted. At the time when this law will come into force, some of them will be pending for admission. We have made a provision that after this law comes into force, the court, even though the matter might have been admitted—if it comes for admission afterwards, the question does not arise because the law will apply—even with regard to matters which have been pending, will have to consider in every case whether this matter would have been admitted if this law which we are making now had been applicable. Therefore, there is a very good result following, namely, that all those unnecessary cases going into matters with which the courts

had really nothing to do, will have to be disposed of after the amendment comes into force apart from reducing the great burden on the courts. If we do not deal with these cases for five years together, we will not see the result or impact of the present amendment. It is from that point of view that a provision is made with regard to pending cases than the courts will go into the question whether a petition which has been admitted already would have been admitted if the new provision had been in force.

SHRI INDRAJIT GUPTA (Alipore): That will have to be argued afresh, whether the court should have gone into it or not.

SHRI H. R. GOKHALE: It won't be. It will be only argued on one side because it is like arguing on admission; at any rate, that is better than allowing these matters and hearing both sides again afterwards.

SHRI INDRAJIT GUPTA: It should be rendered infructuous.

SHRI SHIVAJI RAO S. DESHMUKH (Parabhani): At the time of disposal or immediately?

SHRI H. R. GOKHALE: That is a matter of rules. This is the provision with regard to pending cases. We have tribunals which are proposed to be set up by law made by Parliament. Some people were worried about the scope of the jurisdiction of the tribunals and mentioned that certain matters under article 311 which will not go to the court now should not be barred from being taken up by the tribunals. All I can say at present is that where there had been a legitimate remedy for the redress of any constitutional provision, that remedy will not be taken away when the tribunals are set up. Someone said: you have not indicated the composition of the tribunals here. That really is the function of the law which will be made. Someone said: you must have people with judicial experience, others

said: there must be some publicmen and some others said: there should be trade union representatives. It is extremely difficult at this stage to indicate what the composition of the tribunal will be for the reason that all the tribunals which will be set up are not for the same function. The composition of the tribunal will naturally depend upon the function which it has to perform. Therefore, care will be taken to see that in any case, whatever the composition of the tribunal in the Act it will be such as will inspire confidence. That is all I can say and I think it should be sufficient for us to understand that tribunals are not intended to be made with a view to make them composed of such people so that they will not inspire confidence.

I shall go to a few other points.... (Interruptions) The other remedy is clear. I do not think I will have to deal with it because one point which has been raised is, while there is another remedy people went to the High Court. When there is a remedy provided then it will not be right to ask the High Court to adjudicate on this matter as a remedy is provided elsewhere.... (Interruptions) I think we may rather go into those things at a later stage when clauses are taken up as I have a few more things to say.

Reference was made, I think, by Shri Manoharan to the preamble and he said that we should add the word 'federal'. This was discussed in the Constituent Assembly and nobody has claimed that our Constitution is federal in the classical sense. For example the American Constitution is also not fully federal in the classical sense but it comes nearer to the classical idea than ours. Many eminent people said at that time, and later on also about our Constitution that its structure has a strong federal bias. Therefore to say that the Constitution will become federal if we use the word 'federal' is not correct, just as we cannot give a name to a thing and then the thing becomes that because you are calling it by that name. By calling it a fede-

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ration it does not become a federation if it is not a federation. Era Sezhiyan's was a learned speech in the sense that he quoted from several books of authority, mostly from American authors if I am not wrong. Unfortunately in our country there are people who are inclined to take a text book approach to our problems and it is not desirable at all. It is high time that people developed their jurisprudence. May be we in this country develop our own jurisprudence depending upon our history and experience and taking into account our problems.

Therefore, to look at this author or that author and say that you have gone against the basic concept, whether it is federation or anything else, is to my mind not at all a correct approach. In any case, it is an approach which binds us to rigidities to which we need not be bound. It is not as if in this country, our people, are not or our Parliament, is not capable of devising methods which are suitable and more in consonance with the demands of the situations which arose in the past and which may arise in the future. Many people were worried as to what will happen to the future. They said, if you do this and make this change, the future generations will behave like this and so on. It is not necessary to quote textbooks. I, of all persons, dislike it. All this argument arises because of a sense of vanity, a sense which gives you the feeling that all wisdom is stored and concentrated in us, the present generation. It may be that the future generation will take care of itself in a way better than the way in which we are doing. Therefore, because of distrust in what the future generations will do, you will not do what you think is a good thing to do is to my mind. to say the least, a very negative approach, indicating lack of confidence in ourselves and in our successors. An idea of doing anything with the view that posterity will not benefit from it or will suffer is an idea which

does not show a correct bent of mind.

Mr. Frank Anthony, as usual, was very eloquent and said that article 31B applied generally to everybody. It is not a new article and it is not being introduced now. It was introduced in the very first amendment of the Constitution. He said, article 31B applied generally to everybody. For example, if any Act is to be put in the ninth schedule, you might even put an Act which affects the minorities in the ninth schedule, with the result you take away the rights of the minorities. Therefore, article 31B as it is now is detrimental to the interests of minorities. That was his argument. The first thing is this is not what we are doing now. Pandit Jawaharlal Nehru, while dealing with the various aspects of this article, categorically stated—I do not want to read the quotation, though I have it here—that we deliberately wished to make this article as broad as possible. That was how it was done. This kind of fear of the future generation is not correct. Mr. Anthony conceded that so long as this government is in power and the Congress Party has the majority, the minorities have no fear. We have said it from time to time—the Prime Minister has said it and at the lower level I have said it and other people have said it—that so far as the minorities in this country are concerned it is not the intention of the government to foist anything on them. My friend, Mr. Sulaiman Sait, the leader of the Muslim League, referred not only to article 31B but to certain other provisions also, including the directive principles relating to a uniform civil code. He went to the extent of saying that that article ought to be deleted. So far as the minorities are concerned, I think Prof. Hiren Mukherjee struck the right note. He said while it is true that the government has been doing and will continue to do everything to see that by sheer force of numbers we do not thrust anything on the minorities, ultimately the minorities have

to form part of the mainstream. And it is possible, it is desirable that they depend more on the wisdom of Parliament, on the wisdom of our people than depend on a mere written letter of the law. Therefore, I repeat the assurance which has been given repeatedly. The real assurance actually is in the wisdom of our people, in the wisdom of the policies which this Parliament followed and will continue to follow.

A reference was made and the Prime Minister referred to it in her speech. Something was said, she said, about the misuse of such clauses by a future, possibly non-benign government. Can anyone have a serious doubt that if such a government were to come to power, it would follow its own path and would certainly not be bothered by the niceties of the Constitution? These are very telling words. Therefore, a greater reliance on the good sense of the people, on the wisdom of our people, in the belief that we will follow, we have followed and will follow the right policies, is a greater assurance to the minorities than a mere letter written here or written there, either in the Constitution or in the other law. That does not mean, of course, that I am ruling out all the possibilities of a legitimate suggestion being made in the course of the discussion for making additions or alterations in one or the other clauses which might genuinely require some change in the interests of the minorities. But I was really a little sorry that the minorities should take up this position; and that in spite of all that has happened and is happening even their best leaders have said that they are safe in the hands of a government which has not only declared its policy....(Interruption).

SHRI C. M. STEPHEN (Muvathupuzha): The minorities have not taken that position.

SHRI H. R. GOKHALE: I need not go into the representative character of these gentlemen. All that I am saying is that they spoke for the minori-

ties. in the name of the minorities, let us say; and I am dealing with an argument. I do not want to enter into it now. It is not relevant.

Let me now turn to another problem. A reference was made to the new Article 31-B by quite a good number of speakers. The Prime Minister has spoken about it yesterday. I do not think I can usefully add anything to it. The fear has largely been expressed in regard to legitimate trade union activities. It has been stated categorically—she has told us that a criticism or an opposition of the Congress Party or even of the government is not what is intended to be brought within the four corners of the definition of anti-national activity. She has also said that genuine, legitimate, legal trade union activities in the performance of its normal legitimate trade union functions, is not what is intended to be hit at by any definition of anti-national activity. The other thing is that after all, we should realize that what is being done in the Constitution is only in the nature of providing Parliament with competence to legislate on this. This clause does not, by itself, operate so as to create anti-national bodies or so as to give government power to declare certain anti-national bodies as anti-national. It requires a law to be made; and in any case, there will be ample opportunities for this House and for the other House, for the Parliament as a whole to consider all these aspects of the matter. And if it is found that in this law something is required to be done, it can of course be considered at the appropriate time.

A reference was made to the deployment of forces provided for in the new Article 257-A. When I looked at it in the other Constitutions, I have got examples; e.g. in America this has been done by law; not only done by law but it has been used 7 times for the deployment of the forces. I am not suggesting that because they do it, we should do it. But the point

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is that it is not regarded as so different and as something which, even in a federal State, is not done. They also said that it goes against the roots of the federal structure. It is not true. Moreover, we have a provision in the Constitution, Article 355 already which in a way makes it our duty to make such a provision. The Article says:

"It shall be the duty of the Union to protect every State against external aggression and internal disturbance."

While I would like to point out that it is not intended that the attempt will be to encroach upon the normal field of law and order which is the field of the State—certainly. It is not the intention—in grave cases, where assistance is necessary for the very preservation of India's integrity and so on, a provision like this, as has been seen from some examples in the past, becomes absolutely necessary.

Then, a reference was made to the powers of the President. I do not want to speak at length on this because we have put in the proposed Bill that the President will act, shall act, on the advice of the Council of Ministers. This has always been the position. In the Constituent Assembly, this was discussed at great length. It was also suggested that we might put it down in the Constitution itself. It was not done, not because this is not the position but it was not done because on the whole reading of the Constitution, it was thought that it was unnecessary. A specific question was asked to Dr. Ambedkar: Is he bound to act? Will it be regarded as a failure on the part of the President not to act? He gave an answer in only three or four words: There is no doubt about it. He put it so categorically. Yet from time to time after that, these questions and the issues have been raised not only in the courts but outside the courts also. Some hon. Members who have raised

this question in this House in the course of the discussion seem to think that our approach to the whole question is very different. It is not so.

It is no use referring to the American institution of the President there. We are not that institution. We have here—as has been pointed out, a system of Government which is a parliamentary system of Government. While I would not like at all to compare the President with the British Sovereign, I would certainly say, in respect of the collective responsibility of the Cabinet, our system is more in accordance with the British system than any other. In a system of this type, where Ministers are answerable to Parliament, where the Cabinet is answerable to Parliament, it is undemocratic to put somebody who will be a person above all this democratic process. That is not the intention. Therefore, what is done now is merely as a matter of abundant caution to see that all these doubts which are sometimes raised need not be raised again. A provision of this type becomes necessary.

The indication given by some Members who criticised this Bill was that they wanted somebody over the democratic structure with powers to veto what the elected representatives, the people, have done represented by the Cabinet. Well, I would regard this as undemocratic. Therefore, I think, for all those who have known our system and similar system no further clarification with regard to the provision of this type seems to be necessary.

While I am dealing with the question of President—I have already spoken about it—a brief reference was made to it by the Prime Minister in her speech yesterday. It was mentioned by some Members in the course of this debate. That is about the provision relating to the President's powers by way of removal of difficulties. I did say, Henry VIII clause. I would assure Mr. Hiren Mukerjee that not only we in this

country but the people in that country also hate the name of Henry VIII for different reasons. It is not that spirit in which I mentioned it. In fact, I was talking about the criticism made by the British press. I was saying that while those who are not knowledgeable might speak about it and need an explanation, surely, those who are writing in the British press should not have needed this explanation because there, in England, it existed there for 400 years and it continues till today. It is in that context I said, in England, there is what is known as Henry VIII clause. Moreover, it is important to know, that unlike what many people have said, no absolute power, in fact, no power to change the Constitution as such or to replace any of its provisions or delete any of its provisions has been given under this Clause. Here, as we have pointed out, it is only a 'removal of difficulties' Clause and the language is so clear. It says 'to give effect to the provisions of the Constitution'; that is, you cannot do something which will not give effect to it or which will take away the effect of the Constitution and do something else. It is all circumscribed by language as interpreted not only by courts outside but in India also, more than once. Therefore, any doubt with regard to this, to my mind, is mis-placed. And it may be that while in the beginning of the Constitution a Clause like this has to be inserted and it may even be used for some time, it may not be necessary to do so later. In any case it is a measure only for two years and then the particular section exhausts itself and there will be no force of law. There is the restriction, in any case, that whenever it is used, it should be brought to the notice of Parliament. It will be laid before the two Houses, and this is one of the many safeguards which are intended to be put in the Statute.

12.00 hrs.

Of course, many things were said with regard to the right to work and

the right to property. With regard to the Fundamental Right to Property, the whole thing has already been explained by the Prime Minister and she has already said that while we may or may not agree with the basic suggestions made, we cannot do anything out of context and out of the realities of the situation and that we will do things which reality warrants and which we can really enforce.

A reference was made to the bid of Cooperative Farming. Difficulties arise even in that comparatively small matter and difficulties may arise in other matters also. But we are all geared up for the implementation of so many things both under the 20-point programme and under the five-point programme and it may be that we need not raise, at this juncture something which will create mistrust and misunderstanding. I am sure it does not deserve to be taken up at this stage.

With regard to the right to work, of course the right to work is there: nobody is prevented from working. But what is really meant is that there must be an obligation to provide work. Everybody must work and there is no denying the fact that everyone has a right to work. The question is that when we are talking of a thing like that, we cannot talk in the air. All of us desire that everybody should have work. Our Directive Principles are directed in that direction and laws are being made in that direction and, therefore it will create a situation where it might become a reality. We desire that as soon as possible every citizen of this country will have employment or, at any rate most of them will have gainful employment. Therefore, it is not the same thing to say that in a matter like this, making it a Fundamental Right will solve all the problems.

I do not think I need go into the Right to Property at any length. It has already been mentioned and that is enough and sufficient clarification.

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Now, this is the main basis and background of the present Amendments of the Constitution. But I would say that in a country like ours where we have to go step by step further ahead, we cannot say that anything done is the last word. We simply cannot say it and it may be that experience has told us so. The Prime Minister has put it very carefully when she said that we are doing something and we hope that after this amendment is made a good deal of difficulty will be removed in its implementation. Nobody is claiming that all difficulties will go and it may be that fresh difficulties may present themselves; but it is our duty to see that these difficulties are also removed. It is in this spirit and it is in this background that I would submit that this very important measure is for consideration before the House today. Various clauses are being discussed today and when the clauses are discussed there may be many points on which some explanation may become necessary, though one or two are already mentioned here. I don't want to take up the time of the House at this moment by dealing with these matters in detail, so long as we are aware of the broad intent and the purpose and objective with which this Amendment Bill has been brought before this House. I would submit that the Motion for consideration which I have moved be put to the House.

SHRI S. M. BANERJEE (Kanpur): Yesterday we received an Amendment by Shri Gokhale that the 44th Amendment Bill will be changed to the 42nd.

MR. SPEAKER: We will take it up for consideration later.

SHRI S. M. BANERJEE: What I am saying is that we were discussing the 44th Amendment Bill so far and now its number is being changed to 42nd.

SHRI INDRAJIT GUPTA: Are we going to vote for the 44th Amendment Bill or the 42nd Amendment Bill? The subsequent Amendment says that it is the 42nd whereas we have been discussing the 44th.

MR. SPEAKER: We are going to vote for the 44th Amendment Bill. Later on, it may be changed to the 42nd Amendment Act, but now we are voting for the 44th Amendment.

But before that, I shall put the amendment No. 270 moved by Prof. S. L. Saksena for circulation of the Bill for eliciting opinion. This Amendment does not require a special majority and therefore I will put it to the vote of the House.

The question is:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1976. (270).

Those in favour may say 'Aye'.

SOME HON. MEMBERS: 'Aye'.

MR. SPEAKER: Those against may say 'No'.

SEVERAL HON. MEMBERS: 'No'.

MR. SPEAKER: The 'Noes' have it....

PROF. S. L. SAKSENA (Maharajganj): No, the 'Ayes' have it.

MR. SPEAKER: Those in favour may please rise in their seats.

Prof. S. L. Saksena and Shri P. G. Mavalankar rose.

MR. SPEAKER: There are only two in favour; the Motion is negatived.

The motion was negatived

MR. SPEAKER: Now, before I put the Motion for consideration of the Bill to the vote of the House, I may say that this being a Constitution Bill, voting has to be by division.

The lobbies are cleared. Now, I shall put the motion to vote. The question is:

"That the Bill further to amend the Constitution of India be taken into consideration."

The Lok Sabha divided:

AYES

Division No. 1] [12.13 hrs.

Achal Singh, Shri	Besra, Shri S. C.
Aga, Shri Syed Ahmed	Bhagat, Shri H. K. L.
Agarwal, Shri Shrikrishna	Bhargava, Shri Basheswar Nath
Ahirwar, Shri Nathu Ram	Bhargavi Thankappan, Shrimati
Alagesan, Shri O. V.	Bhatia, Shri Raghunandan Lal
Ambesh, Shri	Bhattacharyya, Shri Chapalendu
Anand Singh, Shri	Bhaura, Shri B. S.
Ankineedu, Shri Maganti	Bheeshmadev, Shri M.
Ansari, Shri Ziaur Rahman	Bhuvarahan, Shri G.
Appalanaidu, Shri	Bist, Shri Narendra Singh
Arvind Netam, Shri	Brahmanandji, Shri Swami
Austin, Dr. Henry	Brij Raj Singh—Kotah, Shri
Awdhesh Chandra Singh, Shri	Buta Singh, Shri
Aziz Imam, Shri	Chakleshwar Singh, Shri
Babunath Singh, Shri	Chandra Gowda, Shri D. B.
Bajpai, Shri Vidya Dhar	Chandra Shekhar Singh, Shri
Balakrishniah, Shri T.	Chandrakar, Shri Chandulal
Banera, Shri Hamendra Singh	Chandrappan, Shri C. K.
Banerjee, Shri S. M.	Chandrashekharappa Veerabasappa,
Banerjee, Shrimati Mukul	Shri T. V.
Barman, Shri R. N.	Chandrika Prasad, Shri
Barua, Shri Bedabrata	Chaturvedi, Shri Rohan Lal
Barupal, Shri Panna Lal	Chaudhary, Shri Nitiraj Singh
Basappa, Shri K.	Chavan, Shri Yeshwantrao
Basumatari, Shri D.	Chellachami, Shri A. M.
	Chhotey Lal, Shri
	Chhutten Lal, Shri
	Daga, Shri M. C.
	Dalbir Singh, Shri
	Dalip Singh, Shri
	Damani, Shri S.R.
	Barbara Singh, Shri
	Das, Shri Anadi Charan
	Das, Shri Dharnidhar
	Dasappa, Shri Tulsidas
	Daschowdhury, Shri B. K.
	Deo, Shri R. R. Singh
	Deo, Shri S. N. Singh
	Desai, Shri D. D.
	Deshmukh, Shri K. G.
	Deshmukh, Shri Shavaji Rao S.
	Deshpande, Shrimati Roza
	Dhamankar, Shri

Dharamgaj Singh, Shri
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gaekwad, Shri Fatesinghrao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Gangadeb, Shri P.
 Gavit, Shri T. H.
 George, Shri A. C.
 George, Shri Varkey
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Godfrey, Shrimati M.
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb
 Gowda, Shri Pampan
 Gupta, Shri Indrajit
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jadeja Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagivan Ram, Shri
 Jamilurrahman Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jhunjhunwala, Shri Bishwanath
 Jitendra Prasad, Shri
 Joseph, Shri M. M.
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kalyanasundaram, Shri M.
 Kamakshaiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri N. S.
 Kamble, Shri T. D.
 Kamla Kumari, Kumari
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Khan, Shri I. H.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Koya, Shri C. H. Mohamed
 Krishnan, Shri G. Y.
 Krishnan, Shrimati Parvathi
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri

Laskar, Shri Nihar	Pahadia, Shri Jagannath
Lutfal Haque, Shri	Painuli, Shri Paripoornanand
'Madhukar', Shri K. M.	Palodkar, Shri Manikrao
Mahajan, Shri Vikram	Panda, Shri D. K.
Mahajan, Shri Y. S.	Pandey, Shri Damodar
Maharaj Singh, Shri	Pandey, Shri Narsingh Narain
Majhi, Shri Gajadhar	Pandey, Shri R. S.
Malaviya, Shri K. D.	Pandey, Shri Sarjoo
Malhotra, Shri Inder J.	Pandey, Shri Sudhakar
Mallanna, Shri K.	Pandit, Shri S. T.
Mallikarjun, Shri	Panigrahi, Shri Chintamani
Mandal, Shri Jagdish Narain	Pant, Shri K. C.
Mandal, Shri Yamuna Prasad	Paokai Haokip, Shri
Manhar, Shri Bhagatram	Parikh, Shri Rasiklal
Manjhi, Shri Bhola	Parthasarathy, Shri P.
Marak, Shri K.	Paswan, Shri Ram Bhagat
Martand Singh, Shri	Patel, Shri Arvind M.
Maurya, Shri B. P.	Patel, Shri Natwarlal
Mehta, Dr. Mahipatray	Patel, Shri Prabhudas
Melkote, Dr. G. S.	Patil, Shri Anantram
Mirdha, Shri Nathu Ram	Patil, Shri C. A.
Mishra, Shri Bibhuti	Patil, Shri E. V. Vikhe
Mishra, Shri G. S.	Patil, Shri Krishnarao
Mishra, Shri Jagannath	Patil, Shri T. A.
Modi, Shri Shrikishan	Patnaik, Shri J. B.
Mohammad Tahir, Shri	Peje, Shri S. L.
Mohammad Yusuf, Shri	Prabodh Chandra, Shri
Mohsin, Shri F. H.	Pradhan, Shri Dhan Shah
Mukerjee, Shri H. N.	Pradhani, Shri K.
Munsi, Shri Priya Ranjan Das	Purty, Shri M. S.
Murmu, Shri Yogesh Chandra	Raghu Ramaiah, Shri K.
Murthy, Shri B. S.	Rai, Shri S. K.
Muruganantham, Shri S. A.	Rai, Shrimati Sahodrabai
Nahata, Shri Amrit	Raj Bahadur, Shri
Naik, Shri B. V.	Rajdeo Singh, Shri
Nair, Shri Sreekantan	Raju, Shri P. V. G.
Nanda, Shri G. L.	Ram Dayal, Shri
Nayak, Shri Baksi	Ram Prakash, Shri
Negi, Shri Pratap Singh	Ram Sewak, Ch.
Nimbalkar, Shri	Ram Singh Bhai, Shri
Oraon, Shri Kartik	Ram Singh Bhal, Shri
Oraon, Shri Tuna	Ram Swarup, Shri
	Ramji Ram, Shri

Ramshekhar Prasad Singh, Shri	Savitri Shayam, Shrimati
Rao, Shrimati B. Radhabai A.	Sayeed, Shri P. M.
Rao, Shri J. Rameshwar	Sen, Dr. Ranen
Rao, Shri Jagannath	Sethi, Shri Arjun
Rao, Dr. K. L.	Shafee, Shri A.
Rao, Shri K. Narayana	Shafquat Jung, Shri
Rao, Shri M. S. Sanjeevi	Shahnawaz Khan, Shri
Rao, Shri M. Satyanarayan	Shambhu Nath, Shri
Rao, Shri Nageswara	Shankar Dayal Singh, Shri
Rao, Shri P. Ankineedu Prasada	Shankaranand, Shri B.
Rao, Shri Pattabhi Rama	Sharma, Shri A. P.
Rao, Shri Rajagopala	Sharma, Dr. H. P.
Rao, Dr. V. K. R. Varadaraja	Sharma, Shri Madhoram
Rathia, Shri Umed Singh	Sharma, Shri Nawal Kishore
Raut, Shri Bhola	Sharma, Shri R. R.
Ravi, Shri Vayalar	Sharma, Dr. Shanker Dayal
Ray, Shrimati Maya	Shashi Bhushan, Shri
Reddi, Shri P. Antony	Shastri Shri Biswanarayan
Reddy, Shri K. Kodanda Rami	Shastri, Shri Raja Ram
Reddy, Shri K. Ramakrishna	Shastri, Shri Ramavatar
Reddy, Shri M. Ram Gopal	Shastri, Shri Sheopujan
Reddy, Shri P. Bayapa	Shetty, Shri K. K.
Reddy, Shri P. Ganga	Shinde, Shri Annasaheb P.
Reddy, Shri P. Narasimha	Shivappa, Shri N.
Reddy, Shri P. V.	Shivnath Singh, Shri
Reddy, Shri Sidram	Shukla, Shri B. R.
Reddy, Shri Y. Eswara	Shukla, Shri Vidya Charan
Richhariya, Dr. Govind Das	Siddheshwar Prasad, Prof.
Rohatgi, Shrimati Sushila	Singh, Shri Vishwanath Pratap
Roy, Shri Bishwanath	Sinha, Shri Dharam Bir
Saini, Shri Mulki Raj	Sinha, Shri Nawal Kishore
Sait, Shri Ebrahim Sulaiman	Sinha, Shri R. K.
Salve, Shri N. K. P.	Sohan Lal, Shri T.
Samant, Shri S. C.	Sokhi, Sardar Swaran Singh
Sambhali, Shri Ishaque	Stephen, Shri C. M.
Sanghi, Shri N. K.	Subramaniam, Shri C.
Sankata Prasad, Dr.	Sudarsanam, Shri M.
Sant Bux Singh, Shri	Sunder Lal, Shri
Sarkar, Shri Sakti Kumar	Surendra Pal Singh, Shri
Sathe, Shri Vasant	Suryanarayana, Shri K.
Satish Chandra, Shri	Swaminathan, Shri R. V.
Satpathy, Shri Devendra	Swamy, Shri Sidrameshwar
Savant, Shri Shankerrao	Swaran Singh, Shri

Swell, Shri G. G.
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Ukey, Shri M. G.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Vijay Pal Singh, Shri
 Vikal, Shri Ram Chandra
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Zulfiqar Ali Khan, Shri

NOES

*Majhi, Shri Kumar
 Mavalankar, Shri P. G.

MR. SPEAKER: The result of the Division is as follows: Ayes: 346; Noes: 2—

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

MR. SPEAKER: The House will now take up clause-by-clause consideration of the Bill. From the Lists of Amendments circulated, I find that,

in some cases, several hon. Members have tabled the same Amendment. In such cases only one or two Members will be called to speak on that Amendment. Further, those Members who have not given amendments will not ordinarily be allowed to speak unless the Chair thinks that the matter is important and some discussion is necessary.

As the House is sitting without lunch break and there is an official lunch engagement today, we shall not have any division between 1 P.M. and 2 P.M. In case discussion on any Clause is finished between 1 P. M. and 2 P.M. or division is challenged on any amendment, the division will be postponed to be held at or about 2 P.M. This is for today only.

Clause 2—(Amendment of the Preamble)

MR. SPEAKER: Now, we take up Clause 2.

SHRI BIBHUTI MISHRA (Motihari): I beg to move:

Page 1,—

for lines 9 to 11 substitute—

'(a) for the words "SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political:'

"SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political: thereby creating a social order in which

(i) there shall be equal distribution of national income per-

*Wrongly voted for NOES.

†The following Members also recorded their votes for AYES:
 Sarvshri Banamali Patnaik, Pra vinsinh Solanki, Kushok Bakula, K. Chilkalingaiah, Shyam Sunder Mohapatra, Ranabahadur Singh, Tarkeshwar Pandey, M. T. Raju and Kumar Majhi.

[Shri Bibhuti Mishra]

mitting a disparity not higher than ratio of one to five between the incomes of the lowest and the highest paid person from and out of the public funds;

(ii) there shall be no unemployment; and

(iii) there shall be no distinction made by the State between citizen and citizen and or/groups or classes of citizens for any purpose whatsoever, either on the ground of caste, creed, religion or any other ground;" shall be substituted; and'. (1)

SHRI B. V. NAIK (Kanara): I beg to move:

Page 1, line 13,—

after "Nation" insert—

"wherein all shall have the right to work and none shall have the power to waste" (40)

SHRI HARI KISHORE SINGH (Pupri): I beg to move:

Page 1,—

after line 11, insert—

'(aa) for the words "JUSTICE, social, economic and political;" the following shall be substituted, namely:—

"Justice, social, political, economic and religious thereby creating a social order in which;

(i) there shall be equitable distribution of national wealth permitting a disparity not higher than the ratio of one to seven between the highest and the lowest incomes paid from and out of the public as well as private funds;

(ii) the state shall ensure gainful employment to every adult citizen;

(iii) the State shall ensure equality of educational opportunities; and

(iv) the State shall ensure adequate medical facilities to all citizens;" (192)

SHRI M. C. DAGA (Pali): I beg to move:

Page 1, line 10,—

after "SOVEREIGN" insert "DEMOCRATIC" (228)

SHRI NIMBALKAR (Kolhapur): I beg to move:

Page 1, line 10,—

for "SOVEREIGN" substitute "UNITED SOVEREIGN" (252)

PROF. S. L. SAKSENA: I beg to move:

Page 1,—

for clause 2, substitute—

2. For the Preamble to the Constitution, the following shall be substituted, namely:—

"In the name of God, the Almighty, under Whose inspiration and guidance, the Father of the Nation, Mahatma Mohandas Karamchand Gandhi, led the Nation from slavery unto Freedom, by unique adherence to the eternal principles of Satya and Ahinsa, and who sustained the millions of our countrymen and the Martyrs of the Nation in their heroic and unremitting struggle to regain the complete Independence of the Motherland,

We, the people of Bharat, having solemnly resolved to constitute Bharat into a Sovereign, Democratic Republic, and to secure to all its citizens;

JUSTICE, social economic and political,

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of Status and of opportunity; and to promote among them all.

FRATERNITY assuring the dignity and freedom of the individual, integrity of the country and unity of the Nation.

IN OUR CONSTITUENT ASSEMBLY this 26th day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.” (260)

Page 1, lines 12 and 13,—

for “unity and integrity of the Nation” substitute—

“integrity of the country and unity of the Nation”. (272)

SHRI MD. JAMILURRAHMAN (Kishanganj): I beg to move:

Page 1,—

after line 11, insert—

“(aa) after the words “JUSTICE, social, economic and political;” the following shall be inserted, namely:—

“thereby establishing a social order in which there shall be no distinction made by the authorities between citizens either on the ground of religion, caste, creed or any other ground;”; (290)

Page 1 line 12,—

for “unity and” substitute “unity, dignity and” (291)

SHRI K. NARAYANA RAO (Bo. billi): I beg to move:

Page 1, line 10,—

after “SOCIALIST” insert “AND” (350).

SHRI KARTIK ORAON (Lohardaga): I beg to move:—

Page 1, lines 10 and 11,—

for “SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC”

Substitute “SOCIALIST SECULAR SOVEREIGN DEMOCRATIC REPUBLIC” (361)

Page 1,—

after line 11, insert—

“(aa) for the words “JUSTICE, social, economic and political”; the following shall be substituted, namely:—

“JUSTICE, social economic and political, thereby creating a social order in which—

(i) the disparity between the incomes of the lowest and highest paid person shall not exceed the ratio of one to five, from and out of the public fund;

(ii) gainful employment shall be guaranteed;

(iii) all reasonable and firm measures shall be taken to eliminate exploitation of the weaker sections of the society particularly the Scheduled Castes and Scheduled Tribes, so as to help them merge in the national life of the country.” (362).

SHRI JAMBUWANT DHOTE (Nagpur): I beg to move:

Page 1, lines 10 and 11,—

for “SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC”

substitute “SAMAJ SATTABHI-MUKH GANTANTRIK RASHTRA” (402).

SHRI YAMUNA PRASAD MANDAL (Samastipur): I beg to move:

Page 1,—

after line 11, insert—

“(aa) for the words “JUSTICE, social, economic and political;” the following shall be substituted, namely:—

“JUSTICE, social, political, economic and religious thereby creating a social order in which there shall be equitable distribution of national wealth permitting a disparity not higher than the ratio of one to five between the highest and the lowest incomes paid from and out of the public as well as private funds;.” (414)

SHRI SHANKAR DAYAL SINGH
(Chatra): I beg to move:

Page 1, line 10,—

after "SOCIALIST" insert—
"AND PROGRESSIVE" (493)

श्री विभूति भिश्च (मोतीहारी): यह विधेयक जब मेरे समने आया और इसको मैंने ध्यान-पूर्वक पढ़ा तो इसके प्रीएम्बल में मैंने सोशलिज्म शब्द देखा। मुझे लगा कि इसके अन्दर सोशलिज्म की बात है लेकिन पढ़ने पर इसमें कहीं भी सोशलिज्म नजर नहीं आया। थोड़ा-बहुत सोशलिज्म का असर इसमें होना चाहिये, लेकिन सोशलिज्म की कोई लास बात इसमें नहीं है। मुझे लगा कि सोशलिज्म शब्द को प्रीएम्बल में रखा तो है, लेकिन इसमें सोशलिज्म होना चाहिये।

आज सारे देश में भूमि का सीमा-निर्धारण हो रहा है, वह मैं मानता हूँ कि सोशलिज्म है। लेकिन सारे देश की राष्ट्रीय आय के उपर किस तरह से बंटवारा हो, इस सम्बन्ध में कुछ भी इस विधेयक में नहीं लिखा गया है।

मेरे संशोधन का एक अंश इस प्रकार है:

(i) there shall be equal distribution of national income permitting a disparity not higher than the ratio of one to five between the incomes of the lowest and the highest paid person from and out of the public funds;

(ii) there shall no unemployment; and

(iii) there shall be no distinction made by the State between citizen and citizen and/or groups or classes of citizens for any purpose whatsoever, either on the ground of caste, creed, religion or any other ground;"

मेरा यह संशोधन बहुत महत्वपूर्ण है। हम साग कांग्रेस के अधिवेशनों और सभाओं में यह मंत्र पढ़ा करते थे :

न त्वं कामये राज्यं न स्वर्गं नापुनभवम्
कामये द्वृत्यत्वानां प्राणिनामार्तिनाशनम् ।

अर्थात्, हमें राज्य या स्वर्ग आदि किसी चीज की इच्छा नहीं है, हम गरीब और दृढ़तया के दृश्य को दूर करना चाहते हैं।

मैं संविधान सभा में नहीं था। आज मैं जीवित हूँ और सुयोग से मुझे यह मौका मिला

है कि मैं संविधान के सम्बन्ध में कुछ कह सकूँ। हम देखते हैं कि सरकार दूसरों की सम्पत्ति का बंटवारा कर रही है और प्राइवेट सम्पत्ति को लेने की बात चल रही है। लेकिन नेशनल इनकम के उचित बंटवारे और सरकार द्वारा दी जाने वाली तन्त्रजाही के सीमानिर्धारण के लिए कोई व्यवस्था नहीं की जा रही है। रशा में सब से कम और सब से अधिक आमदनी का अनुपात 1.10 है, चाहिना में वह 1.5 है और विवरनाम में 1.5 है। इस सदन में सब लोग सोशलिज्म का नारा लगाते हैं, लेकिन सोशलिज्म को लाने के लिए हमारे संविधान में कोई व्यवस्था नहीं की गई है। अगर इस बारे में कोई उचित व्यवस्था नहीं की जायेगी, तो इस संविधान संशोधन का जनता पर कोई असर नहीं होगा। मंत्री महोदय शायद समझते हैं कि जनता हमारे हाथ में है। लेकिन यह बात नहीं है। जनता सब कुछ समझ रही है। मैं अभी दौरे से वापस आया हूँ। लोग कहते हैं कि हम लोगों पर तो सीलिंग लग रही है, लेकिन प्राइवेट और पब्लिक अंडरटॉकिंज में आमदनी पर कोई सीलिंग नहीं लग रही है। वहां अरबों रुपये लर्ज होते हैं। सरकार ने वहां पर तन्त्रजाही के बारे में कोई सीलिंग नहीं लगाई है।

कांग्रेस द्वारा नामजद कमटी के सामने अनुभवदाव में कहा गया था कि जिसकी आमदनी 40 लाख हो जाये, वह गरीबी की बार्ड-ताइन पर पहुँच जायेगा। अगर यह कमटी हरीजानों और बैंकरार्ड क्लासिज की निस्तर्यां में जाती, वहां की स्थिति को देखती और उसके बाद संविधान में संशोधन के सुझाव देती, तो अच्छा होता।

"सोशलिस्ट" शब्द रखने का तो मैं स्वागत करता हूँ, लेकिन इस संविधान में समाजदाव का नामोनिशान नहीं है।

हमारे देश में असमानता बहुत ज्यादा है। हम नहीं जानते कि वह कब समाप्त होगी। मैं चाहता हूँ कि सरकार संविधान में उचित संशोधन करें या वह इस सम्बन्ध में कोई एशोर्स दे, वरना इस देश की जनता उसको क्षमा नहीं करेगी। आज हमारे विवादी वहां नहीं हैं। मैं खुले-आम कहता हूँ कि वे हमारे एनिमीज हो गये हैं और हमारे पीछे पढ़े दूर हैं। यदि ये सरकार जनता की इच्छाओं और आकांक्षा-

अों का पूरा नहीं करेंगी और देश में इसी प्रकार असमानता बनी रहेंगी, तो यह देश चलने वाला नहीं है। आज हमारी पीब्लिक अंडरटैकिंग्ज में लोग चार चार हजार रुपये तक खाली पाते हैं, जब कि गांवों में स्कूलों की सुविधा नहीं है, प्री एनूकेशन नहीं है। क्री मैटिकल एड नहीं है, रहने की जगह नहीं है। कार्टी-ट्यूशन आप लाए, इसके लिए स्वागत है लेकिन आप अगला रेवोल्यूशन न बुलाइए। इस में सूधार कीजिए और अगर सूधार नहीं करेंगे तो लोग माफ करने वाले नहीं हैं।

MR. SPEAKER: I think we will request the Members to be brief and if the amendments are clear they may not make a speech.

SHRI B. V. NAIK (Kanara): Honourable Speaker, I am very happy that the honourable Minister has said that in principle he accepts the right to work. Having accepted the right to work in principle I really do not know why he needs an argument in order to put it down. Nobody has obstructed any person from working. In Article 41 it has been stated:

"The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work."

The framers of our Constitution thought that the right to work had been accepted in principle and that it had got to be provided only as a Directive Principle because of the limitations of the economic capacity. If the right to work on a theoretical level was so obvious but could not be mentioned in the fundamental rights, I fail to see the reason why it should be even in the directive principles. The founding fathers of our Constitution, if they were confident of the resources at their command would have put it in the fundamental right. Therefore, irrespective of the interpretation given the right to work is obvious and nobody obstructs us from finding work, but unemployment on a large scale is a reality. In all humility, I think it is

a bit difficult to accept that the right to work if incorporated in the fundamental right would be a superfluity.

Having made this point I would now endeavour to convince our hon. Minister not on the basis of financial data but on the basis of the challenge that we have to meet. The number of unemployed persons on the rosters of our Employment Exchanges in this country is 10 million. It is impossible that jobs would be found by these 10 million people.

If the ratio between the educated and the uneducated is roughly on the basis of one-third and two-thirds of the total number of unemployed people who feel that they are unemployed, they ought to be given employment, skilled or unskilled, in the organised or other sectors, then, it would be impossible with the present capacity of our system, economic and social, to absorb these people all of a sudden. But, if we have a sort of a job guarantee scheme whereunder the principle of dignity of labour could be considered, you will then be in a position to provide for in the budget both in the Centre as well as in the States anywhere about Rs. 1,000 crores or 1,500 crores. It will be able to provide not necessarily whitecollared jobs, not necessarily blue coloured jobs but some jobs of a sort of subsistence jobs anywhere above the poverty line of employment in this country.

I think this exercise has not been gone through by the framers of our Constitution or amenders of our Constitution. The hon. Minister may kindly enlighten me on the cost of this. It is not an economic proposition to put it there. But, I would like to submit that not all other fundamental rights which have been put in Chapter III are cost-based. At the time when our Constitution was framed, the cost was not calculated. It is a question of belief. So, as long as this number one problem of this country, namely, the unemployment of these young and educated people in this country remains, this cannot

[Shri B. V. Naik]

be solved. The other day, Shri Bhagwat Ji Azad said:

काम दे दो पहले, काम से तनखाह मिलेगी और तनखाह से वे सब खरीद सकते हैं—रोटी, कड़ी, मकान, शिक्षा और स्वास्थ्य।

In our country, the least privileged unemployed people are the working class people. We want that by socialism we should carry the job to everyone in the house. That may be any job that our country can afford to provide.

So, I would urge upon the Minister to hand out some sort of an assurance, particularly, to the younger generations, that is, for those in the age-group of 20—30, who are being clouded in all these years for want of jobs, that he will do something to these people about this.

MR. SPEAKER: Those hon. Members who have moved their amendments should rise in their seats, if they want to speak. Otherwise, I will take them together.

SHRI HARI KISHORE SINGH (Puri): We always wait for your command.

प्रधक्ष जी, मैं आपको धन्यवाद देना चाहता हूँ कि आपने मुझे यह अक्सर प्रदान किया कि मैं आपने विचार प्रक्रिया कर सकूँ। यह जो 44 वां संविधान संशोधन विधेयक लाया गया है वह खास तीर पर इसिलिये लाया गया है कि समाजवाद में जो प्रगति हम करना चाहते हैं, इस देश में जो हम समाजवादी समाज की स्थापना करना चाहते हैं उसमें मार्ग में जो बहुत सी राहवटे आ रही है उनको इन संशोधनों के द्वारा रोक दिया जाये, दूर कर दिया जाये। इसी दृष्टिकोण को समाने रखते हुए, मैंने यह संशोधन स्वाक्षर है कि समाजवाद की दिशा में जो हमारा उत्तेज्य है वह अधिक मुख्य, प्रबंधित तथा स्पष्ट हो जाए। इस देश की 60 करोड़ जनता के लिये समाजवाद का क्या प्रयोग है? मैं आधिकारी हूँ जैसे हूँ जूह करता हूँ। इस देश के हर नागरिक को, हर कम्ती को समान लिंगा और स्त्री

करने का अवतर मिले। लेकिन जबतक इस देश में पालिक स्कूल रहेंगे, जबतक कुछ लोगों के बच्चे पालिक स्कूलों में पढ़ेंगे, अच्छे कालेजों में पढ़ेंगे तबतक इन देश के 80 कीसदी बच्चों को शिक्षा का समान अवतर नहीं मिलेगा। ऐसी स्थिति में समाजवाद का कोई अर्थ नहीं रह जाता है। इसीलिये मैंने इन संशोधन के द्वारा आग्रह किया है कि प्रिंसिपल में समान शिक्षा के अवतर को जोड़ दिया जाये।

मेरा दूसरा आग्रह यह है कि इस देश के जो नागरिक हैं उनके लिये समान दवा दाख की व्यवस्था होनी चाहिये जोकि अभी तक नहीं है। अगर इस देश की 60 करोड़ जनता के लिए समाजवाद कोई अर्थ रखता है तो वह यही है कि इस देश के हर नागरिक के लिये समान दवा दाख की व्यवस्था हो। यह उचित नहीं है कि विर्लिंगडन अस्पताल में एक तरह की व्यवस्था हो। आल इंडिया मेडिकल इंस्टीट्यूट में दूसरे तरह की व्यवस्था हो और जो प्राइवेट नर्सिंग होम है उनमें तीसरे प्रतार की व्यवस्था हो। इसके अतिरिक्त कुछ लोग होम्पोर्सियर्स या अप्यूर्डेक इलाज करायें और कुछ लोग बिना दवा दाख के ही मर जायें। मैं समझता हूँ सरकार और स्टेट की जिम्मेदारी होनी चाहिये कि इस देश के हर नागरिक के लिये समान दवा दाख की व्यवस्था का प्रबन्ध करे।

तीसरी चीज यह है कि 1947 के बाद इस देश में नवी पीड़ी के लोग आ गये हैं जोकि काकी तादाद में बेकार हैं। क्या सरकार और स्टेट की जिम्मेदारी नहीं है कि उन नीजवालों के लिये रोजमार की व्यवस्था करे? जिससे कि न केवल आपने परिवार का भरण पीवण कर सकें बल्कि समाज के प्रति जो उनकी जिम्मेदारी है उसको भी बे निया सकें। समाज के उन नीजवालों की शिक्षा दीवांगी और भरण पीवण पर जो खर्च किया है उस सरकारियत और भूग्रह की भी बे उतार सकें।

इस बात का अवतर उन्हें मिलना चाहिये। क्या सरकार और राज्य की यह जिम्मेदारी नहीं है कि उनके लिये रोजगार की व्यवस्था करे? राज्य का यह आवश्यक कर्तव्य होना चाहिये। यदि इन चीजों को हम नहीं कर सकते हैं तो समाजवाद की दिशामें आगे बढ़ने की जो हमारी घोषणा है वह सार्थक नहीं हो पायेगी। जबतक हम संकलन नहीं लेंगे कि भारतीय जनता की आकांक्षाओं, अभिलाषाओं और आवश्यकताओं की पूर्ति करने के लिए हम कटिबद्ध हैं तब तक हम आगे नहीं बढ़ सकेंगे। इसलिये मैं सरकार से चाहूँगा कि इन चीजों का समावेश संविधान में किया जाये ताकि समाजवाद की दिशा में हमारा जो उद्देश्य है उसको सार्थक रूप मिल सके।

SHRI NIMBALKAR (Kolhapur): I was listening to the speech of the hon. Law Minister, Shri H. R. Go-Gokhale, very carefully. I was very glad that while speaking, he gave the reason why he was not prepared to accept the word 'federal' in describing our Constitution. The reason he gave was that, strictly speaking, our Constitution was not federal.

Now, I have said in my amendment that the word 'United' should come before 'Sovereign'. Surely the Law Minister will agree with me that he cannot say that our country is not united. If he is not going to accept the word 'federal' because federalism is not the state of our Constitution, surely the position which we are actually in, that is that we are a united country, should be acceptable. If he has any doubts about it, for the same reason that he has put in 'socialist' in the Preamble—that even though perhaps there is no socialism in the real sense of the word in the country today, we want to go in that direction—the word 'United' should be put in. If he thinks there is no unity, it is all the more reason why 'United' should be put into this nomenclature. I feel that it is right on my part to urge

the hon. Law Minister to put in this word 'United'. It will also put us a little ahead, I think, of some other major nations such as the USSR.

श्री मूरच्छन्द डाला (पाली): अध्यक्ष जी, हिन्दी की जो संविधान (चावालीसवां) संशोधन विषेषक, 1976 है, उस की प्रतिलिपि पर ला मिनिस्टर साहब गौर करें। उस में लिखा हुआ है कि सम्पूर्ण प्रभुत्व सम्पन्न लोकतंत्रात्मक गणराज्य के स्थान पर 'सत्त्वं प्रभुत्वं सम्पन्न लोकतंत्रात्मक वर्तनिरपेक्षा समाज वादी गणराज्य शब्द होंगे। अंग्रेजी में आप ने कर दिया प्रभुत्वसम्पन्न समाजवादी लोकतंत्र... इसलिये मेरा कहना यह है यह जो ट्रान्सलेशन किया गया है, इस को आप ठीक कर लीजिये। हिन्दी में तो आप ने लिख दिया 'सम्पूर्ण प्रभुत्वसम्पन्न लोकतंत्रात्मक...' और अंग्रेजी में आप ने उस का बिल्कुल उल्टा कर दिया। आप का हिन्दी वर्णन सही है या इंग्लिश वर्णन सही है।

एक बात में यह और कहना चाहता हूँ कि हम आज तक सोशलिस्ट का मतलब लेते रहे हैं सोशलिस्ट पैटर्न आफ सोशलाईटी समाजवादी ढंग का समाज, भारतीय ढंग का समाज। अब आप ने कर दिया 'समाजवादी गणराज्य'। हम पहले लोगों का राज्य चाहते हैं, डेमोक्रेसी चाहते हैं और आप ने उस का उल्टा कर दिया है। इसलिये मेरा कहना यह है कि ये दोनों बिल आप के सामने हैं और आप ठीक ट्रान्सलेशन कीजिये। और समाजवादी 'शब्द' की परिभाषा दीजिये।

श्री मुहम्मद बीमूरंहमान (किशनगंज) : मोहत्त्रिम स्पीकर साहब, मैं शुक्रगुजार हूँ कि आप ने मुझे बोलने का मौका इनामत फरमाया है। मेरा एक छोटा सा एमेंडमेंट है और वह क्लाज 2 में है। मैं ने कहा है :

"after the words 'Justice, social, economic and political', the following shall be inserted, namely:— "thereby establishing a social order

[श्री मुहम्मद जमीलुर्रहमन]

in which there shall be no distinction made by the authorities between citizens either on the ground of religion, caste, creed or any other ground;"

आप मुलाहजा फरमाइये कि कलाज 2 की सब कलाज (ए) में ये शब्द जोड़े गये हैं।

"For the words 'Sovereign, democratic, republic, the words 'sovereign, socialist, secular, democratic republic' shall be substituted."

इसी को मैं ताकत देना चाहता हूँ। मेरी पार्टी का और मेरे मुल्क का बुनियादी उस्तूल सोसाइटीम का है। यह शब्द पहले नहीं था और अब इस को जोड़ा गया है। यह बड़ी खुशी की बात है। हम बराबर इस पर अमल करते आ रहे हैं, मेरा कांस्टीट्यूशन इस पर अमल करता आ रहा है और हमारी पार्टी के मैनिफेस्टो में यही बुनियादी उस्तूल है। पहले यह नहीं था और अब इस को जोड़ा गया है और यह खुशी है की बात है और बेलकम करने की बात है। मुल्क की जनता सब से बड़ी है और हम सब की यही चाहिये है कि उस की हालत सुधरे। जहां पर 85, 86 पर सेन्ट जनता गरीब है, तो देखना यह है कि उस की जिन्दगी के मयार को बढ़ाने के लिये तालीम के मसले को हल करने के लिये, एकोनामिक कल्दीशन्स को बढ़ाने के लिये और उन को जमीन देने का जो वायदा हम ने किया है, उस को पूरा करने के लिये हम कहां तक आये बढ़े हैं। अगर हम नहीं कर पाये हैं तो सही मायने में तब तक सोसाइटीम नहीं आयेगा जब तक इस बात को नहीं मान ले कि इन भानगरों में जो आजकल प्राप्टी राइट है वह कम किया जाये और उस पर एक बन्धन लगाया जाये, ताकि ऐसा न हो कि एक जगह तो एक, दो, तीन महल खड़े होते जाये और दूसरी तरफ झोपड़ी में मरम्मत का इंतजाम भी न हो पाये। इस पर हमारा ध्यान जाना चाहिये। सांशलिज्म उसी बक्त आयेगा जब

कि जनानता होगी। जनानता का उस्तूल हमारे फादर आकनेशनल दिल्ला चुके हैं, बतला चुके हैं। इती को ताकत देने के लिये मैंने एक छांटा सा अमेंडमेंट दिया है।

अब तालीम के निजाम को देखिये, अभी तक मसला हल नहीं हुआ है। गाव में बच्चों के पढ़ाने का कोई इन्तजाम नहीं हो पाया है। जहां स्कूल खड़े होने चाहिये, वहां स्कूल नहीं है। दूसरी तरफ मुनाहिजा फरमाइये, शहरों में सेंट्रल स्कूल, और पब्लिक स्कूल खुल रहे हैं। यांडे से लागों के लिये क्या कुछ नहीं हो रहा है? सब कुछ हो रहा है, लेकिन गांव के गरीबों के बच्चों के लिये कुछ नहीं हो पाया है। मेरी राय में तो बेसिक बात यही है। सुप्रीम कोर्ट का स्ट्रक्चर चाहे कुछ भी हो, लेकिन गांव में तालीम का सही इन्तजाम जरूर होना चाहिये, वहां बच्चों का फेयर डिस्ट्रीब्यूशन होना चाहिये। यही बात बेसिक है। इन पर हमारा ध्यान जाना चाहिये और लोशल आंडर उसी बक्त आ सकता है, जब ये चीजें गांव में पहुँचे।

रोजी का मसला है। हमारे मोहतरिम लायक दोस्त भागवत ज्ञा आजाद बोल रहे थे कि रोजी, रोटी, कपड़ा मकान सबको मिलना चाहिये। मैं उनकी इस बात से एधी करता हूँ कि पहले लोगों की रोजी का इन्तजाम करो और उसके न करने से सोशल डिस्ट्राईबर और बदमानी कैलेगी। अगर इसको रोकना है तो उसका इन्तजाम भी हमें करनाहोगा और यह बात इसमें होनी चाहिये।

नौजवानों के तबके को से लीजिये। आपको याद होगा कि दो बरस पहले नौजवान कितने अपने रास्ते से भटक गये थे और हर काम करने को तैयार थे और हर वह काम उन्होंने किया जिससे मुल्क को अन्दरूनी तौर पर और बाहरी तौर पर हर तरह से नुकसान पहुँचा। और उसके प्राप्टीज को, इंडीविजुअल को और डेमोक्रेशनी को नुकसान पहुँचा।

लेकिन अब भारत में नौजवानों के नेता श्री संजय गांधी ने नौजवानों के लक्ष को मोड़ा है और उन्हें सही रासना दिखाया है। मेरी गुजारिश यह है कि सोशलमार्डर लाने के लिये यह जरूरी है कि गांव की तरफ हमारा रुक्ष और ध्यान जाना चाहिए और कोई डिस्टिक्शन और इस्की विभेशन नहीं होना चाहिए। हमारा ज्यादा से ज्यादा ध्यान देशत की तरफ जान चाहिए। इसके लिये हमारे बापू गांधी जी कह चुके हैं कि गांव की उन्नति से हीं सारे देश की उन्नति होगी। और गांव की मात्रा हालत से हीं सारे देश की मात्रा हालत अच्छी होगी।

ब्लाज 2 के सब-ब्लाज (बी) में मैंने एक वर्ड जोड़ा है। अमेंडमेंट बिल में यह कहा गया है—

"For the words 'unity of the nation', the words 'unity and integrity of the nation' shall be substituted."

इसमें क्या दो राय हो सकती हैं? मैं सी फीसदी इसके साथ हूं, सारा हिन्दुस्तान इसके साथ है नेकिन मैं एक लक्ष और जोड़ना चाहता हूं और वह है "डिग्निटी"। डिग्निटी का मकान यह है कि इस मुल्क का वकार, रुतबा और वज्रन बढ़े। अगर हम यह नहीं कर पायेंगे तो कुछ नहीं हो सकेगा। इसलिये गुजारिश है कि "डिग्निटी" वर्ड को जोड़ा जायें क्योंकि डिग्निटी ही पहचान करती है, डिग्निटी ही ऐसी चीज़ है जो दूसरों को दिवाती है कि हम कितने डिग्निटाइड वे से रह सकते हैं। हमारा मुल्क कितना डिग्निटाइड है। यही हमारे जजबात की तजुम्मानी होगी। इसको गोखले साहब मारेंगे, इसमें मुझे खुणी हैंगी।

شُری مُحَمَّد جَمِيل الرَّحْمَان (क्षेत्र)
- (जेप) : مُحَمَّد جَمِيل الرَّحْمَان صاحب -

مैंने शुरू किया हूं कि अब ने مैंने
बोल्ले ६ मौक़े उपलियत फ्रमाया - मैंने
एक ज्ञानी ८१ अमेल्डमेंट हे और
८२ क्लास २ मैंने हे - मैंने ने कहा है -

"after the words 'justice, social, economic and political', the following shall be inserted namely, "thereby establishing a social order in which there shall be no distinction made by the authorities between citizens either on the ground of religion, caste, creed or any other ground;"

अब - الحکمہ فرمائیہ کے کلزا کی سب کلزا
(اے) مौون یہ الفاظ جوڑے کئے ہیں -

"For words 'Sovereign, democratic, republic, the words 'Sovereign, socialist, secular, democratic republic, shall be substituted.

اسی को मैंने ظاہت دिया چاہتا ہوں -
مہموں پاڈی کا اور مددے ملک کا
بلہادی اصول موساکم کا ہے - یہ لفظ
بہلے نہ ہے تھا - اب اس کو جوڑا
کیا ہے - یہ بُوئی خوشی کی بات ہے -
ہم بُوایر اس پر عمل کرتے آ رہے ہوں -
میرا کانستیٰ ٹووشن اس پر عمل کرتا
آ رہا ہے - اور ہمادی پارٹی کے مولوی میسٹو
ڈن بہت بلہادی اصول ہوں - بہلے
یہ نہ ہے تھا - اور اب اس کو جوڑا
کیا ہے - اور یہ خوشی کی بات ہے -
اور دیکام کوئی کی بات ہے - ملک
کی جلتا سب سے بڑی ہے - اور ہم
سب کی پہ خواہیں ہے کہ اس
ی حالت مددوے جہاں پر ۸۹-۸۵

[شروعی محمد جمیل الرحمن] پریمیریٹ جلتا غریب ہے تو دیکھوں یہ ہے کہ اس کی زندگی کے میعلوں کو بڑھانے کے لئے ایک لاماسک لکھدیش کر بوجانے کے لئے ایک ای کو ذمہ دیلمہ کا جو وعدہ ہم نے کہا ہے اس کو پورا کرنے کے لئے ہم کھل تک آکے بوجی ہوں - اگر ہم نہیں کر پائے ہوں تو صحتیح معلوم میں ٹب تک تک سو شلزم نہیں آئے کا جب تک اس بات کو نہیں مان لوں کہ ان مہانگروں میں جو آجھل پوایوں دائنس ہے وہ کم کیا جائے - اور اس پر ایک بلدنی لکایا جائے - تاکہ ایسا نہ ہو کہ ایک جگہ تو ایک دو تین محل کھے ہوتے جائیں اور دوسروں طرف جو ہو ہوں ہوں مرمٹ کا انتظام بھی نہ ہو پائی - اس پر ہمارا دھڑان جانا چاہئے - سو شلزم اسی وقت آئے کا جب کہ سانتا ہوگی - سانتا کا اصول ہمارے فادر اُف نہشں دکھا چکے ہیں اس کو طاقت دینے کے لئے میں نے ایک چوتا سا امین تسلیت دیا ہے -

اب تعلیم کے نظام کر دیکھئے - ابھی تک مسئلہ حل نہیں ہوا ہے - گاؤں میں بچوں کے پوچھلے کا کوئی انتظام نہیں ہو ہیا ہے - جہاں سکول کھوئے ہوئے چاہیں وہاں سکول نہیں ہیں - دوسروں طرف ملاحظہ فرمائیں شہروں میں سلسلہ سکول

اور پہلیک سکول کھل دھے ہیں - تھوڑے ہے لوگوں کے لئے کہا کچھ نہیں ہو رہا ہے - سب کچھ ہو رہا ہے - لہن گاؤں کے غریبوں کے بچوں کے لئے کچھ نہیں ہو پایا ہے -

مددی دلے میں تو بھسک بات یہ ہے سپریم کورٹ کا سیکھ جاہے کہ بھی ہو - لہن گاؤں میں تعلہم کا انتظام ضرور ہونا چاہئے - وہاں چھڑوں کا فیکر قسٹری بھوشن ہونا چاہئے - یہ بات بھسک ہے - ان پر ہمارا دعہاں جانا چاہئے - اور شوشن آرڈر اسی وقت آئے ہے - جب چھڑوں گاؤں میں پہنچیں -

دوزی کا مسئلہ ہے - ہمارے مختدم لائق دوست بھیوت جھا آزاد بول دھے تھے - کہ دوزی دوئی کھوڑا مکان سب کو ملنا چاہئے - میں ان کی اس بات سے متفق ہوں کہ پہلے لوگوں کو دوزی کا انتظام کرو اور اس کے نہ کرنے سے شوشن قس آرڈر اور بدامنی پہنچے گی - اس کو دوکنا ہے تو اس کا انتظام بھی ہمیں کرنا ہو - اور یہ بات اس میں ہوئی ہوئی چلائے - نوجوانوں کے طبقے کو لے لھجھئے - آپ کو یاد ہوگا کہ دو برس پہلے نوجوان کتنے اپنے دستے سے بھٹک گئے تھے - اور ہر کام کرنے کو تھاں

تھے - اور ہر وہ کام انہوں نے کیا جس سے ملک کو اندروںی طور پر اور باہری طور پر ہر طرف سے نقصان پہنچے - اور اس سے زیاد تر خیز کو - انتیپریزوں کو اور قیمودیسی کو نقصان پہنچا - لیکن اب بہوت میں نوجوانوں کے نیتاں سلیمانی کاندھی نے نوجوانوں کے دخ کو موزا ہے - اور انہیں صحیح راستہ دکھایا ہے - میہری گزارش یہ ہے کہ سرشل آرڈر لانے کے لئے یہ ضروری ہے کہ کاؤن کی طرف ہمارا دخ اور دھیان جانا چاہئے - اور دوئی ڈسکشن اور ڈسکریپٹوں نہیں ہونا چاہئے - عمارا زیادہ سے زیادہ دھیان دیہات کی طرف جانا چاہئے - اس کے لئے ہمارے بایو کانٹری جی کہ چکے ہیں کہ کاؤن یوں ترقی سے ہی سارے دیہوں کی ترقی ہوگی - اور کاؤن کی مالی حالت سے ہی سارے دیہوں کی مالی حالت اچھی ہوگی -

کلاؤ دو کے سب کلاؤ (بی) میں میں نے ایک دوڑ جوڑا ہے - امہلڈمیںٹ بل سہی یہ کہا گیا ہے -

"for the words, 'unity of the nation', the words 'unity and integrity of the nation' shall be substituted."

اس میں کیا دو دلائے ہو سکتی ہوں - میں سو فہصی اس کے

ساتھ ہوں - سارا ہندوستان اس کے ساتھ ہے - لیکن میں ایک لفظ اور جوڑتا چاہتا ہوں - اور وہ ہے ڈکلہتی ڈکلہتی کا مقصد یہ ہے کہ اس ملک کا وقار - وقار اور وزن بھی - اگر ہم یہ نہیں کر پائیں گے تو کچھ نہیں ہو سکے گا - اس لئے گزارہ ہے کہ ڈکلہتی ورد کو جوڑا جائی - کیونکہ ڈکلہتی ہی بہبھان کرتی ہے - ڈکلہتی ہی صحیح چھڑ ہے جو دوسروں کو دکھانی ہے کہ ہم کتنے ڈکھانائے وے سے دے سکتے ہیں - ہمارا ملک کتنا ڈکھانائے ہے - بھی ہمارے چوبات کی توجہ اسی ہو گئی - اس کو گوکھلے صاحب ماہلکے - اس میں مجھے خوشی ہو گئی -]

PROF. S. L. SAKSENA (Maharajganj): My amendment No. 260 reads as follows:—

‘2. For the Preamble to the Constitution, the following shall be substituted, namely:—

“In the name of God, the Almighty, under whose inspiration and guidance, the Father of the Nation, Mahatma Mohandas Karamchand Gandhi, led the Nation from slavery unto Freedom, by unique adherence to the eternal principles of Satya and Ahimsa, and who sustained the millions of our countrymen and the Martyrs of the Nation in their heroic and unremitting struggle to regain the complete Independence of the Motherland,

[Prof. S. L. Saksena]

WE, the people of Bharat, having solemnly resolved to constitute Bharat into a Sovereign, Democratic Republic, and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship,

EQUALITY of Status of and of opportunity; and to promote among them all.

FRATERNITY assuring the dignity and freedom of the individual, integrity of the country and the unity of the Nation.

IN OUR CONSTITUENT ASSEMBLY this 26th day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION".

Sir, this is the same amendment which I had moved in the Constituent Assembly. At that time, I had added the word 'socialist' in it. I was the first person to introduce the word 'socialist'. But Pandit Jawaharlal Nehru and other leaders said that this word was undefinable, because socialism was of many kinds. Therefore I withdrew it.

This Preamble invokes the name of God in the beginning and of Mahatma Gandhi and our martyrs; it is in line with the Preamble of the Irish Free State's Constitution. They have also paid homage to God, to De Valera and to the martyrs of the nation. I think there are many other constitutions also which have paid homage to God and to the martyrs. I think this should be accepted, because it does not take away from the Constitution, but it makes it dignified. I am not putting the word 'socialist'

although I am a socialist and was the first man to insist on it earlier. I was not more of a socialist than Jawaharlal Nehru. Therefore I thought it should not be added. It would add to the confusion. The words 'socialist' and 'secular' are contained in the other clauses.

We have the words: "JUSTICE, social, economic and political". Similarly secularism comes under "LIBERTY of thought, expression, belief, faith and worship". Worship is there; why then repeat the same thing? Otherwise it would make it more ambiguous. Thirdly regarding the words 'country' and 'Nation'. Integrity can be only of the country, and not of the nation. So I have made a change which is more in consonance with the English language.

Now about socialism. We have socialist republics in Russia, China, Poland, Czechoslovakia, Romania and Bulgaria. All these countries have called themselves socialist republics. We do not have that type of Constitution. The word "Socialist" is ambiguous and that is different from what we are. Similarly there is a kind of socialist republic in Britain, the Labour Government there. There is a socialist republic in Sweden, in Austria and in so many other places.

So, I think, the word "Socialist" will make it ambiguous and will not help us in any way. That is already contained in the line, i.e., Justice, social, economic and political. Hence, I oppose these two changes and I commend my amendment to the House.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, I want to submit that since there will be a number of votings on a number of days and there are Members who may not find it convenient to be present all the time for all the four days, for the

convenience of the Members, I want to make a suggestion. I have already consulted the leaders of the CPI, the Muslim League, the A.D.M.K. and such other Independent Members who are here and have obtained their concurrence to the proposal. I am going to suggest that the voting will be every day between 5.30 and 6.00 P.M. so that after whatever discussion takes place on Clauses, those Clauses will be set aside and will all be put to vote between 5:30 and 6.00 P.M.

MR. SPEAKER: At the end of the day.

Is this the sense of the House?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: That is agreed.

श्री शंकर दयाल सिंह (चतरा) : जैसे किसी भी व्यक्ति में आत्मा ही मूल होती है उसी तरह से किसी भी संविधान की आत्मा भी प्रस्तावना होती है। प्रस्तावना में हम कुछ संशोधन कर रहे हैं। कई भानीय सदस्यों ने बहुत अच्छे और जागरूक सुझाव रखे हैं। मैंने इसमें केवल एक शब्द के सम्बन्ध में कहा है कि सम्पूर्ण प्रभुसत्ता सम्पन्न लोकतांत्रिक, धर्मनिरपेक्ष समाजवादी शब्द के बाद एवं प्रगतिशील गणराज्य शब्द रख दिया जाय। यह शब्द मैंने इसलिए दिया है कि जिस तरह से सोशलिस्ट या सोशलिज्म शब्द प्रचलित हो गया है उसमें आज के ज्ञाने में प्रोग्रेसिव होना भी उसका एक बहुत आवश्यक तत्व भाना जाता है। समाजवादी पद्धति को कोई भी अप्रगतिशील व्यक्ति लेकर नहीं चल सकता है। इसके लिए यह आवश्यक है कि वह प्रगतिशील भी बने। आज हमने यह संशोधन नहीं भाना तो यह जो संशोधन हम कर रहे हैं यह अपूर्ण रह जायेगा। कल को फिर प्रगतिशील शब्द रखना पड़ सकता है। समाजवाद के पहले

आप इस शब्द को रखें या बाद में मुझे कोई आपत्ति नहीं है लेकिन इस प्रगतिशील शब्द को आपको जहर इसमें स्थान देना चाहिए। आज हमारा देश प्रगतिशीलता की ओर बढ़ रहा है। हमारा यह नारा भी है। जिन दुनिया के देशों के साथ हमारी मैत्री है वे समाजवादी और प्रगतिशील देश हैं। इस बास्ते मैंने यह आवश्यक समझा है कि इस प्रगतिशील शब्द को इसमें जोड़ने का संशोधन दिया जाये। यह शब्द निहायत निरामिश है। इसमें किसी को कोई आपत्ति नहीं होनी चाहिए। अगर आज कानून मंत्री जी इस शब्द के मर्म की नहीं समझते हैं तो कल को फिर देश में भाँग हो सकता है कि यह प्रगतिशील शब्द तो है ही नहीं और इसको इसमें जोड़ा जाना चाहिए। अगर वहां ठीक न समझते तो जहां यह उचित समझें, वहां “प्रगतिशील” शब्द को रखा जाये। यह “प्रगतिशील” शब्द उसी तरह से महत्वपूर्ण होगा जैसे किसी व्यक्ति की उंगली में अगर अंगूठी हो और उसमें अगर हीरा जड़ा हुआ हो तो उसकी चमक कुछ दूसरे किसी की होती है। इसी तरह से अगर इस प्रस्तावना में ‘समाजवादी’ शब्द के साथ “प्रगतिशील” शब्द भी रखा दिया जाये, तो यह सोने में सुहागे का काम करेगा।

इन शब्दों के साथ मैं अनुरोध करता हूँ कि विधि मंत्री जी इसके मर्म को समझते हुए इसको अवश्य स्वीकार करेंगे, जिससे बोट की जरूरत न पड़े।

13 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

श्री यमुना प्रसाद मंडल (समस्तीपुर) : उपाध्यक्ष म्होदय, इस संविधान (संशोधन) विधेयक में व्याय मंत्री जी ने मूल बात यह रखी है कि जिसी तरह से सोशल, एकोनामिक रेवोल्यूशन शान्तिपूर्वक आ जाये। इसीनिए

[श्री यमुना प्रसाद मंडल]

प्रीएम्बिल में बहुत कान्तिकारी परिवर्तन किया गया है। 'सोशलिस्ट' शब्द लाकर और 'सेक्यूरिटर' शब्द ला कर इतने बड़े महान देश में सोशलिस्ट सोसाइटी की स्थापना हो सकेगी। पहले हम लोग सोशलिस्ट पैटर्न की बात कहते थे। 1962 में और उसके पहले भी हम बराबर चाहते थे कि समाजबादी समाज की स्थापना हो और वह पवित्र ध्येय अब हमारा पुरा होने जा रहा है। इसलिए हमारे देश की प्रवान मंत्री, न्याय मंत्री और दूसरे जितने भी लोग इस प्रीएम्बिल और इस कांस्टीट्यूशन के बनाने में शामिल हैं, उन सबके प्रति मैं बहुत कृतज्ञता प्रकट करता हूँ। जब आप इसमें सोशलिस्ट शब्द लाते हैं तो इससे आप ने इसमें बहुत बड़ा परिवर्तन किया है, बहुत कान्तिकारी परिवर्तन किया है और सब से बड़ी बात तो यह है कि आर्थिक विषयता को दूर करने के लिए आप ने यह सब किया है। जैसा मेरे और मित्रों ने कहा है कि कोई 24 घंटे काम करने पर भी उतना नहीं कराता जितना दूसरा बिना आर्थिक परिव्रथम किये कमा लेता है। इससे आर्थिक विषयता बड़ी है और कई मित्रों ने कहा है कि ज्यादा परिव्रथम करने वालों को इंसपीरेशन देना चाहिए। मेरा कहना यह है कि उसे आगे बढ़ाने के लिए यह राइट आफ प्रोपर्टी की बात नहीं रहनी चाहिए। कुछ लोग इसको रखना चाहते हैं मगर हम लोग और सारा देश दूसरे के साथ नहीं हैं। सब से बड़ी चीज़ यह है कि इस डिस्पेरिटी को आप हटा दें और अगर आप इसको बिल्कुल नहीं हटा सकते हैं तो कुछ रेशो रख दें। कई तरह के टैक्स लगा कर और डैम ड्यूटी, वैल्य टैक्स, सुपर टैक्स को बढ़ाकर ऐसा कर सकते हैं। आपने लैंड सीलिंग की बात भी चलाई है और शहरों में आप इसको चला रहे हैं लेकिन जहाँ तक अबैं सीलिंग की बात है, जिसकी ओर श्री शागवत ज्ञा आजाद ने भी इशारा किया था कि बम्बई और कलकत्ता जैसे

बड़े शहरों में अभी भी जो बड़े लोग हैं, उनको आप छूना नहीं चाहते हैं; न्याय मंत्री जी से मेरी प्रार्थना है कि अगर आप 30, 40 करोड़ लोगों को न्याय देना चाहते हैं जस्टिस देना चाहते हैं, एकोनामिक जस्टिस देना चाहते हैं, तो इस डिस्पेरिटी को दूर किया जाये और यह निश्चित किया जाये कि रेशो क्या हो। आप जिस तरह से भी चाहें, लोगों से मिल कर इस पर बात कर लें कि रेशो 1:5 हो या 1:10 हो, मगर मेरा कहना यह है कि निश्चित रूप से आप इस प्रीएम्बिल में या अपने भाषण में इसको निश्चित कर दीजिए कि इस गरीब देश में गरीब और अमीर के बीच यह रेशो होगी। इस एमेंडमेंट को लाने का मेरा यह आजॉक्ट था।

उन्होंने साफ़ कहा —

"The question of amending the Constitution for removing the difficulties which have arisen in achieving the objective of socio-economic revolution".

यह सोशियो इकानामिक रेडील्यूशन जो आप चला रहे हैं:—

"which would end poverty and ignorance and disease and inequality of opportunity."

इस सम्बन्ध में आप कम-से-कम आर्थिक विषयता को कम करने की कोशिश कीजिए, उधर की तरफ ही हमारा इशारा है, प्रार्थना है और तभी सचमुच में न्याय मिल सकेगा। नहीं तो, खासकर देश के पूर्वी क्षेत्र में जहाँ 70 प्रतिशत लोग बहुत गरीब हैं, शायद 80 पैसा प्रतिदिन भी उन्हें नहीं मिलता है, उनकी गरीबी ज्यो-की-त्यों रहेगी और यह काम तभी कुछ किया जा सकता है, जब आप चाहें कि हम इस डिस्पेरिटी को कम करें।

MR. DEPUTY-SPEAKER: Mr. Narayana Rao. I would request that observations on these amendments should not become full-fledged speeches. You make your point on the amendment, but do not make a speech; do not harangue.

SHRI K. NARAYANA RAO (Bo-billi): Mr. Deputy-Speaker, Sir, I shall abide by your order. My amendment is a very small one: it reads: 'after "SOCIALIST" insert "AND".' This is not a very substantive amendment. As it is, it reads as follows: "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC". There is no comma or conjunction. I request that "and" be added between 'SOCIALIST' and 'SECULAR'. This will add emphasis both to socialism and to secularism. This is my humble submission.

SHRI ARAVINDA BALA PAJANOR (Pondicherry) rose—

MR. DEPUTY-SPEAKER: You have not moved any amendment.

SHRI C. H. MOHAMMED KOYA (Manjeri): Even then, he can be called...

MR. DEPUTY-SPEAKER: Order. Please understand the procedure. When a particular Clause is taken up, Members who have given notices of amendments should move their amendments at that time. If they do not move their amendments at that time, then those amendments are not moved. You should have been present at that time.

SHRI C. H. MOHAMMED KOYA: You may call an Hon Member even if he has not moved any amendment.

MR. DEPUTY-SPEAKER: Order. It is not normal for those who have not given notices of amendments to speak, and today the Speaker has

made that even more explicit than it used to be. I will read it out for you:

"Further, those Members who have not given amendments will not ordinarily be allowed to speak."

Because, normally it is not allowed. It is allowed only in very exceptional cases when the Chair is convinced that a full debate is necessary on a particular matter. That is the discretion of the Chair. The Speaker has made it more particular today that those who have not given notices of amendments will not be given the right to speak. Why pick up a quarrel with me? The man sitting in the Chair knows his duty, what he is doing.

SHRI C. H. MOHAMMED KOYA: The man sitting here also knows his duty.

MR. DEPUTY-SPEAKER: Mr. Dhote.

श्री जांदुबंत घोटे (नागपुर) : उपाध्यक्ष महोदय, मेरा संशोधन है कि प्रीएम्बल में "संपूर्ण प्रभुत्व-सम्पन्न लोकतन्त्रात्मक धर्म-निरपेक्ष समाजवादी गणराज्य" के स्थान पर "समाज सत्ताभिमुख गणतान्त्रिक राष्ट्र" शब्द रखे जायें।

हमारा प्रीएम्बल बहुत से शब्दों का एक समुच्चय हो गया है। हमने कई किस्म के और कई अर्थों के शब्द उसमें इनकलूड किये हैं, जिन को कई तरह से इनटरप्रेट किया जा सकता है।

"सैकुलर" शब्द का अनुवाद हिन्दी प्रति में "धर्मनिरपेक्ष" किया गया है। मेरे रुपात से यह ठीक नहीं है और "सैकुलर" शब्द के साथ इन्साफ नहीं करता है। "सैकुलर" का अर्थ "धर्म निरपेक्ष" नहीं, बल्कि यह है कि

[श्री जांबुदंत धोटे]

इस देश के सारे मजहबों या धर्मों की भावनाओं और बुनियादी बातों का आदर करने वाला, सब धर्मों का राज्य । “सैकुलर” शब्द का हिन्दी में जो अनुवाद किया ज्या है “धर्मनिरपेक्ष” या “निधर्मी”, वह “सैकुलर” शब्द के साथ बेइन्साफ़ी करता है । “धर्मनिरपेक्ष” या “निधर्मी” का अर्थ है : किसी धर्म का नहीं, किसी भी धर्म के लिए नहीं, जबकि “सैकुलर” का मतलब है : सब धर्मों के लिए, सभी मजहबों के लिए । इसलिए “सैकुलर” शब्द का भाषान्तर दुरुस्त ढंग से करना चाहिए । “सैकुलर” शब्द का ट्रांसलेशन “धर्मनिरपेक्ष” या “निधर्मी” गलत है ।

डा० कैलास (बम्बई दक्षिण) : “धर्मनिरपेक्षता” का अर्थ है : धर्म से तटस्थ । माननीय सदस्य “धर्मनिरपेक्षिता” और “निधर्मी” को एक साथ न रखे । निधर्मी तो हो ही नहीं सकता ।

श्री जांबुदंत धोटे : महाराष्ट्र में “सैकुलर” का भराठी ट्रांसलेशन “निधर्मी” किया गया है । यहां पर ‘सैकुलर’ का ट्रांसलेशन “धर्मनिरपेक्ष” किया गया है । मेरा दावा है कि “सैकुलर” का मतलब है : सब धर्मों की भावना समझने वाला, सब धर्मों का आदर करने वाला ।

प्रीएम्बल में “सोशलिस्ट” शब्द भी जोड़ा गया है । इस देश में जैसे क्रान्ति या इनकलाब का मतलब बदल गया है, वैसे ही “सोशलिस्ट” शब्द का मतलब भी बदल गया है । किस किस्म का सोशलिज्म ? हिन्दुस्तानी सोशलिज्म, चीनी सोशलिज्म, रूसी सोशलिज्म या अमरीकन सोशलिज्म, या शहर का समाजवाद या गांव का समाजवाद ? इस देश में समाजवाद का इन्टरप्रेटेशन अलग अलग ढंग से हो रहा है । वास्तव में “सोशलिज्म” शब्द के मतलब का पर्वज्ञ हो गया है । कौनसा सोशलिज्म ? गांधी का

सोशलिज्म या मार्क्स का सोशलिज्म ? लैनिन का सोशलिज्म या माओ-स्मेन्टुंग का सोशलिज्म ? या अब्राहम लिवन का सोशलिज्म ?

वेवल “सोशलिज्म” शब्द बहुत बेग है । सरदार स्वर्ण सिंह इसको एक तरह इन्टरप्रेट करेंगे, श्री विभूति मिश्र की “सोशलिज्म” की परिभाषा दूसरी होगी, कानून मन्त्री, श्री गोखले, इसवा एक मतलब बतायेंगे और प्रधान मन्त्री, श्रीमती इन्दिरा गांधी, इस का कोई दूसरा मतलब बतायेंगी । इसलिए इसमें “साइटिफिक सोशलिज्म” या “वैज्ञानिक” या “शास्त्रीय समाजवाद” बहना चाहिए ।

प्रीएम्बल में दिया गया “राज्य” शब्द पूर्ण डिस्ट्रिक्ट की याद दिलाता है । मेरा कहना यह है कि एक ऐसा छोटा सा प्रीएम्बल होना चाहिए, जिसमें सारी भावनायें इकट्ठी होती हैं । कल कोई कह सकता है कि इसमें संशोधन करके “सोशलिस्ट कासिस्ट रिपब्लिक आफ इंडिया” बहा जाये । कोई कह सकता है कि इसको “रेवोल्यूशनरी सोशलिस्ट रिपब्लिक आफ इंडिया” बहा जाये । इस प्रकार, कई शब्द प्रीएम्बल में इनकलूड होते जायेंगे । मेरा कहना यह है कि इतने शब्दों की ज़रूरत नहीं है । जिस शब्द में सारा मतलब आ जाये, इस देश की सारी भावनायें आ जायें, वह शब्द इस्तेमाल करना चाहिए । इसलिए मेरा संशोधन यह है कि इसमें “समाज सत्ताभिमुख गणतान्त्रिक राष्ट्र” शब्द रखे जायें । “समाज सत्ताभिमुख” का अर्थ है : जिसकी सत्ता समाज के प्रति अधिमुख हो, समाज के प्रति जवाबदार हो, जो सत्ता फासिस्ट या डिकटोरियल न हो । इसी प्रकार “गणतान्त्रिक राष्ट्र” में सब बातों आ जाती है । मेरा निवेदन है कि प्रीएम्बल में इतने ज्यादा शब्दों को डालने की ज़रूरत नहीं है और उसमें केवल “समाज सत्ताभिमुख गणतान्त्रिक राष्ट्र” रखा जाये ।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I have heard all the speeches carefully.

With regard to the speeches made by the hon. Members on their amendments to the preamble. I will deal with the speeches made by Mr. Sibben Lal Saksena and Mr. Dhote later.

While there are many things which were stated here over which on grounds of principle, we have no objection, they are very good things, perhaps it is not possible to mention all these things in the Preamble. Therefore, we have mentioned the basic concepts. We have mentioned socialism, and when we have said that we are going to implement the programme of socialism, naturally all these things which are mentioned will automatically come for implementation. But I certainly oppose the amendment of Mr. Saksena because it goes completely contrary to our concept of democracy and to our concept of socialism. The same applies to a certain extent to what Shri Dhote said yesterday. I do not want to go into a long discussion of all these matters. I am afraid I will not be able to accept any of these amendments.

PROF. S. L. SAKSENA: What about my amendment No. 272?

SHRI H. R. GOKHALE: I spoke about both of your amendments which you moved. I am not in a position to accept.

PROF. S. L. SAKSENA. Amendment No. 260.

MR. DEPUTY-SPEAKER: He has made that clear. He is not accepting any of them. (Interruptions).

SHRI B. V. NAIK: I want to make a small submission. I reply to the reply...

MR. DEPUTY-SPEAKER: After the reply, it is for the House to decide later on. This is irregular; Mr. Naik.

SHRI JAMBUWANT DHOTE: What is the translation of 'secular'?

SHRI H. R. GOKHALE: We all understand it.

Definition is not required here.

MR. DEPUTY-SPEAKER: Shri Shankar Rao Savant has given notice of amendment No. 75. He seeks to introduce a new clause 2A. He is not there. Therefore, that is not moved.

There is no amendment to clause 3.

All these clauses would be put at 8:30 P. M. (Interruptions)....

Shri Dhote, please allow me to attend to my business.

Shri Amrit Nahat is not there.

Clause 4 (Amendment of article 31C)

SHRI P. NARASIMHA REDDY (Chittoor): I beg to move:

Page 2, line 3,—

omit "all or" (206)

SHRI IBRAHIM SULAIMAM SAIT (Kozhikode): I beg to move:

Page 2—

line 4, add at the end—

'and, (b) the following further proviso shall be added, namely:

"Provided further that no such law shall infringe or abridge directly or indirectly, the special safeguards or rights conferred on the minorities, or the Scheduled Castes or Scheduled Tribes or other backward classes under the Constitution and specially under articles 25, 26, 27, 28, 29 and 30." (304)

SHRI P. NARASIMHA REDDY: My amendment is verbal and not a substantive one. I wish to correct the actual words used in the amendment proposed to Article 31C. Article 31C as it stands is as under:—

"Notwithstanding anything contained in article 13, no law giving effect to the policy of the State..."

In that context it is inappropriate on my part and unnecessary to say any single law to give effect to the Directive Principles of the State Policy. With all respect to the Law Minister, by no stretch of imagination a single law can give effect to all the directive principles of the State Policy.

In that context I have proposed this amendment so as to put it in the proper form. I hope the Law Minister will accept this amendment.

SHRI C. H. MOHAMED KOYA: I am very happy to find that Shri Gokhale has given us an assurance that the rights of the minorities will be preserved and protected. I only want that assurance to be codified in law. I want to draw his attention to the sentence in the Swaran Singh Committee's Report:

"Provision should, however, be made that no such law shall affect the special safeguards or rights conferred on the minorities or the Scheduled Castes or the Scheduled Tribes or other backward classes in the Constitution."

On an earlier occasion our leader Quid-e-Millat Janab M. Muhammed Ismail Saheb, speaking on the 24th Amendment Bill, pleaded in the Lok Sabha that fundamental rights in Part III pertaining to minorities should be inviolable. He said:

"The Prime Minister was kind enough to make a clear statement that the rights of the minorities would not be affected by any amendment made in the Constitution. We are indeed grateful to her for

this assurance and are fully confident that she and her Government would keep their word and that their service to the people in the position of Govrnment will be of very long duration. But, in the nature of things, there may be changes and vicissitudes in the country and the Government in the future, and our anxiety is that such changes should not affect the position of minorities. Minorities, because they are minorities, cannot be in a majority either in Parliament or Legislatures. It is for this reason that the framers of the Constitution inserted certain Rights in Part III of the Constitution for the minorities, which would be beyond the scope of amendments".

I only want this to be included in the Statute.

MR. DEPUTY-SPEAKER: Mr. Sulaiman Sait.

SHRI JAMBUWANT BHOTE rose.

MR. DEPUTY-SPEAKER: I have not called you. You have not given any amendment to this. You cannot speak. This is irregular. I cannot listen in this way. I would ask Mr. Sait to add something to what Mr. Koya said. The House cannot be run in this way. There has to be a certain discipline in the House.

SHRI JAMBUWANT DHOTE: I rise on a point of order.

MR. DEPUTY-SPEAKER: Not at this stage. It is irregular. Mr. Dhote, kindly cooperate with me. I shall call you later—not at the moment—and let Mr. Sait speak.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode): Mr. Deputy-Speaker, Sir, I appreciate very much the assurance that has been given by the Law Minister) Shri Gokhale about the minorities' rights.

But, I would like to point out one thing. As was said yesterday and as

has been stated also in the statement of objects and reasons in this Very Bill and also as stated by Shri Swaran Singh when he spoke yesterday, the object was to give precedence to the Directive Principles over the Fundamental Rights. I still hold and maintain that once the precedence is given to the Directive Principles over the Fundamental Rights, the minorities' rights definitely become weak and get eroded.

I would like to point out with your permission that I spoke yesterday in this House. But, I am sorry that the papers have reported like this:

"Mr. Sait was glad that the fundamental rights of the minorities remained intact."

I very much doubt about this. I did not say anywhere in such a manner. I did not say that the minorities' rights remained intact. I said that to a certain extent they are eroded and are infringed by the things that are given out here in this section which you want to amend. "In Art. 31C of the Constitution, for the words, brackets, letters and figures, 'the principles specified in clause (b) para (c) of Art. 39', the words and figures, 'all or any of the principles laid down in Part IV, shall be substituted. Then, that will read as under:

"notwithstanding anything contained in article 13, no law providing for—

(a) * * * * *

or

(b) * * * * *

shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, article 14, article 19 or article 31."

Here what I maintain is this, Art. 14 supersedes the minority right. That article prohibits discriminatory treatment being given to the minorities.

According to Article 39, any such discrimination of the rights under Art. 14 will not be available to the minorities. Moreover, Art. 31C will also supersede the basic principles which are really very dangerous as far as I feel. It has been stated here that the minorities should have confidence in the wisdom of this Parliament. I agree with this. I am appealing that we must have more confidence in Parliament's wisdom. At the same time you must also depend more on the generosity of my community, my elder brothers, as I call them. We must depend on the generosity of our elder brothers, the majority community, and also on the wisdom of Parliament. So it is in Parliament where law is made that we appeal that our rights be not interfered with, be not infringed, be not eroded.

One more thing I want to make clear. We are now going to declare our country as secular, socialist and democratic. I feel very strongly that in case we are in a position to carry on as per our personal laws and keep our identity, neither the secular character, nor the socialist character nor the democratic character of our country gets affected in any manner.

Therefore, it is that I have said in my amendment:

"line 4, add at the end—

"and, (b) the following further proviso shall be added, namely:—

"Provided further that no such law shall infringe or abridge directly or indirectly, the special safeguards or rights conferred on the minorities, or the Scheduled Castes or Scheduled Tribes or other backward classes under the Constitution and specially under article 25, 26, 27, 28, 29 and 30"....

Here I must point out that if we take Muslims, the Scheduled Castes and Scheduled Tribes and the Backward Classes, we form more than 50

[Shri Ebrahim Sulaiman Sait]

per cent of the population. So it is not actually a minority right. It is the right of the majority of the population. Therefore, I hope that the Law Minister will give consideration to this. I appeal to his wisdom, to the wisdom of Parliament and to the wisdom of the majority community to concede this.

श्री जांबुदं धोटे : उपाध्यक्ष महोदय,
कलाज नं० १ के लिए मैंने एक अमेंडमेंट
दिया था लेकिन उस अमेंडमेंट के लिए
स्पीकर साहब ने मुझे बुलाया नहीं।

MR. DEPUTY-SPEAKER: Kindly sit down. Let me explain the procedure. The procedure is that when we begin clauses, we begin with clause 2. Clause 1 and the Long Title are taken up last, never at the beginning.

SHRI H. R. GOKHALE: Firstly, with regard to the amendment by Shri P. Narasimha Reddy, he seems to be under the impression that if the words 'all or' are omitted, it would be all right, because, according to him, 'any' is enough. This is not so. First of all, any law which will be made is not likely to give effect to all the directive principles at the same time, but it may give effect to any of the directive principles, although the possibility is visualised that more than one directive principle may form part of a law. Therefore, it is necessary to keep 'all or any'.

Moreover, it is not desirable to leave this matter for judicial interpretation. As he rightly said, it is a drafting change. He is not opposed to the substance of the matter. I am afraid I cannot accept the amendment.

With regard to the other point concerning the minorities, the amendment moved of Shri Ebrahim Sulaiman Sait and others, I have already spoken about it in the morning when

I replied to the debate on the Motion of consideration. He wants that the minority rights under articles 14, 19 and 31 which are mentioned in the article should be protected. That means, any law which is made should not affect minority rights under 14, 19 and so on. Now 14 and 19 are not minority rights alone. They are the rights of the entire people. The special safeguards, to which reference has been made, are contained in other parts of Part III. They are not mentioned in the amendment. Therefore, the only reference to 14, 19 and 31 is to see that on account of these fundamental rights, a law made to give effect to the directive principles is not set aside by any court of law.

As regards the fear that there may be a law which violates the principle of equality before law under article 14 or under 19—some of the provisions—I think this is a fear which it is time they stopped entertaining. Moreover, the minorities are the poorer sections of the community; they are more poor than the other people. Therefore, if according to any directive principle, particularly with reference to an economic matter, a change, a social change, having economic impact, is to be made, it is wrong to exclude the minority communities. The intention is that such changes in the economic laws should affect and benefit the minorities as much as the majority. Therefore, the fear or apprehension is not justified and I am not in a position to accept this amendment.

Clause 5—(Insertion of new article 31D)

MR. DEPUTY-SPEAKER: We shall now take up clause 5. There are some amendments.

SHRI B. V. NAIK: I beg to move:

Page 3, line 4,—

after "its" insert "declared" (25)

Page 3, line 7,—

after "the" insert "major portion of" (26)

PROF. S. L. SAKSENA: I beg to move:

Page 2,—

omit lines 40 to 42 (41)

SHRI M. C. DAGA: I beg to move:

Page 2,—

omit lines 12 and 13. (229)

Page 2, lines 28 and 29,—

omit, "in relation to an individual or association." (230)

Page 3,—

omit lines 3 to 8. (231)

SHRI B. V. NAIK: I beg to move:

Page 2, line 27,—

add at the end—

"which is corporate in character with perpetual existence having a common seal and/or symbol". (273)

SHRI KARTIK ORAON: I beg to move:

Page 2, lines 41 and 42,—

for "by force the Government as by law established" substitute—

"any Government otherwise than by lawful and democratic means" (274)

Page 2,—

after line 45, insert—

"Provided that a peaceful demonstration, strike by workers peasants and other sections of the people for the alteration of any matter in the Government or public or private undertaking, which is producing or has a tendency to produce a feeling of hatred or ill-will between different classes of people, shall not be anti-national;" (275)

Page 3, lines 1 and 2,—

for "religious, racial, language or regional groups or castes or communities"

substitute "racial, caste, communal, linguistic or regional group" (276)

Page 3,—

after line 2, insert—

"Provided that to point out errors and defects in the Government or Constitution, as by law established with a view to their reformation and removal which stand on the way of the removal of regional imbalance in any part of a State, shall not be anti-national;" (277)

SHRI N. SREEKANTAN NAIR (Quilon): I beg to move:

Page 2,—

after line 20, insert—

"Provided that any Bill introduced in either House of Parliament shall become law of passed in each House by a majority of the membership of the House and by a majority of not less than three-fourths of the members of the House present and voting and ratified by the legislatures of not less than three-fourths of the States by resolutions to that effect passed by those legislatures before the Bill passed by the Parliament is presented to the President for assent." (282)

SHRI MD. JAMILURRAHMAN: I beg to move:

Page 3,—

after line 2, insert—

"Provided that any action taken for religious preachings and propagations shall not be deemed or treated as anti-national." (292)

[Shri Md. Jamilurrahman]
Page 3,—

after line 8, insert—

"Provided that no such law shall affect the rights conferred on the minorities or Scheduled Castes, the Scheduled Tribes or other backward classes under the Constitution." (293)

SHRI IBRAHIM SULAIMAN SAIT:
I beg to move:

Page 2,—

after line 20, insert—

"Provided that any such law shall make specific provision, for judicial review by a High Court Judge, of any executive order or action taken under this law for declaring any association as anti-national". (305)

SHRI M. C. DAGA: I beg to move:

Pages 2 and 3,—

omit lines 43 to 47 and 1 and 2 respectively. (335)

SHRI KARTIK ORAON: I beg to move:

Page 2, line 35,—

after "secession;" insert "or" (363)

Page 2, lines 37 to 39,—

for "and integrity of India or the security of the State or the unity of the nation"

substitute "integrity and security of India or the unity of the nation" (364)

Page 2, line 39 —

after "nation;" insert "or" (365)

Page 2, line 42,—

after "established;" insert "or" (366)

Page 2, line 45,—

after "services;" insert "or" (367)

Page 3, line 2,—

after "communities;" insert "and" (368)

Page 3,—

after line 2, insert—

"(vi) which establishes casteism, provincialism, favouritism, nepotism calculated to threaten or disrupt communal harmony between different sections of the people of the Indian Union." (369)

Page 3, line 4,—

for "its object" substitute—

"its declared objective" (370)

Page 3, line 4,—

after "activity;" insert "or" (371)

Page 3, line 5, —

after "aids" insert "or abets" (372)

Page 3, line 6,—

after "activity;" insert "or" (373)

Page 3, line 7,—

after "whereof" insert—

"have undertaken or engaged or likely to" (374)

SHRI DINESH CHANDRA GO-SWAMI (Gauhati): I beg to move:

Page 2,—

for lines 36 to 39, substitute—

"(ii) which disclaims, questions, threatens, disrupts or is intended to threaten or disrupt the sovereignty and integrity or the security of India or the unity of the nation;" (428)

SHRI ANADI CHARAN DAS (Jajpur): I beg to move:

Page 3,—

after line 8 insert—

“(iv) which encourages or aids persons or members to undertake, engage or encourage acts of treason or sedition amounting to anti-national activity.” (437)

SHRI INDRAJIT GUPTA: I beg to move:

Page 2, lines 38 and 39,—

omit “or the security of the State or the unity of the nation” (449).

Page 2,—

for lines 40 to 42, substitute—

“(iii) which is intended to overthrow the Government by law established by anti-democratic and violent means.” (450).

Page 2,—

omit lines 43 to 45. (451)

SHRI SHANKAR DAYAL SINGH: I beg to move:

Page 2, line 36,—

for “disclaims” substitute “breaks up” (494)

Page 2, line 40,—

for “scheme” substitute “plan” (495)

Page 2, line 41,—

after “as” insert—

“elected by the people and” (496)

Page 2, line 43,—

for “scheme” substitute “plan” (497)

Page 2, line 44,—

for “intended” substitute “responsible” (498)

Page 2, lines 44 and 45,—

for “the disruption of” substitute “to paralyse” (499)

Page 3, line 1,—

for “racial” substitute “caste” (500)

Page 3, line 4,—

after “anti-national” insert—

“and anti-social” (501)

Page 3, line 5,—

after “aids” insert “in any way” (502)

Page 3, line 8,—

after “anti-national” insert—

“or anti-social” (503)

SHRI H. R. GOKHALE: I beg to move:

Page 2, line 24,—

for “(Forty-fourth Amendment)” substitute

“(Forty-second Amendment)” (549)

DR. KAILAS: I beg to move:

Page 3,—

after line 8, insert—

‘31E. Notwithstanding anything contained in article 13, the right to acquire, hold and dispose of property referred to in article 19 shall always be subject to any law enacted to give effect to the Directive Principles contained in PART IV of the Constitution.’ (553)

SHRI JAMBUWANT DHOTE: I beg to move:

Page 2,—

omit lines 11 to 13. (559)

Pages 2 and 3,—

omit lines 26 to 47 and 1 to 8 respectively. (560)

SHRI INDRAJIT GUPTA: I beg to move:

Page 2,—

after line 20, insert—

"(2A) Any law in respect of matters referred to in sub-clause (a) or sub-clause (b) shall provide for the determination of the question whether a particular individual or association is engaged in anti-national activity by an independent tribunal with the right to appeal to the Supreme Court guaranteed." (571).

SHRI B. V. NAIK: My amendment is in regard to the definition of illegal association or anti-national association. The main thrust of my submission has been in regard to declared objective. There are many anti-national associations, which have no articles of association. I wonder how such an association can be identified as anti-national. Similarly the question of membership is there. There could be many anti-national associations which may be in existence or which may come into existence. It is possible that some of the respectable associations might get infiltrated by anti-national elements. Therefore, I think until and unless a major portion of that association is composed of anti-national individuals, it might prove to be a bit too sweeping a definition. Therefore, I hope my simple, not ideological but technical correction to clause 5 will be accepted by the minister.

PROF. S. L. SAKSENA: Sir, I oppose the clause lock, stock and barrel. This will be a disgrace on our statute-book. It will make any kind of anti-government activity impossible and it will be used against all opposition parties. So, this must be removed, because the powers are already in the possession of the government under the Criminal Procedure Code. Overthrowing by force the government, creating internal disturbance, etc. can all be dealt with

under the ordinary penal law. There is nothing in this article which cannot be dealt with under the ordinary criminal law. I therefore think that this must go. This will be a disgrace on our Constitution and it is shameful. I hope the Law Minister will not insist on its being there because everybody in the opposition is opposed to it and many in the treasury benches also do not want that this should be there.

श्री मूल चन्द्र जागा : मैंने क्लाइ 5
में तीन संशोधन दिए हैं।

Prevention of Unlawful Activities
Act, 1967

आज भी लागू है। इस एकट में दो बार संशोधन किया जा चुका है। 1972 में भी इस में संशोधन हुआ था। सेम बड़ज हैव बीन यूज़। इसके बाद आर्टिकिल 19 है जो इस प्रकार है :

Right to assemble peacefully and without arms.

Suppose the trade union workers and labourers assemble outside a factory or a mill in order to organize a meeting; and they want to protect their rights or give a call for strike, would it tantamount to this. Would this assembly be treated as part of a scheme intended to create internal disturbance or of a scheme which threatens or disturbs harmony? You have now given a definition that any sort of internal disturbance will tantamount to an anti-national activity. We have a fundamental right to have an assemblage of a few people.

Under Clause (3) of Article 19 you can put reasonable restrictions. Article 14 says that there is equality before law. Now you say: "No." Clause 5 of the present bill says:

"Notwithstanding anything contained in article 13, no law providing for—

** * * *

** * * *

shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, article 14, article 19 or article 31."

We do not emphasize Article 31; but what about Articles 14 and 19? We have a right to form an association. We can assemble and protest for the right cause. But who will interpret that it is an internal disturbance or that it will tantamount to an anti-national activity? It is too much to give this power to the district magistrate.

उसी की नकल कर दी है। और उसी को उठाकर अपने संविधान की धाराओं में उसी एक्ट को लगा दिया और इस एक्ट को अमेंड किया है।

It has been amended in 1972.

उसी एक्ट को लेकर आपने यहां लगा दिया है
What will happen to this Act?

मुझे एक बात समझ नहीं आती। अनलाफूल एक्टीविटीज एक्ट, 1967। यह तो उसको रिरील कर दिया है।

We will have an altogether new law. That has been repealed.

लेकिन बिना सोचे समझे कांस्टीट्यूशन में ऐसे प्रावीजन हो जायेंगे जिससे सही आदमी अपने ग्रधिकारों की रक्षा नहीं कर सकेंगे। एक डिस्ट्रीक्ट मजिस्ट्रेट है; वह बढ़ा करण्ट आफिसर है।

We might like to assemble together all citizens and say: we want to protest against the corrupt officer; and we might go to the Minister. We form an assembly. We say: "You have posted a corrupt officer here. He is a third-rate officer." But we may be told that it is an anti-national activity. You can say it is an internal disturbance. What is this law? I request you to re-consider this. You have already got a law. Therefore, I am pressing these amendments.

MR. DEPUTY-SPEAKER: I would request those Members who have given notices of more than one amendment, to speak on all the amendments.

SHRI B. V. NAIK: I will bear it in mind with prospective effect.

MR. DEPUTY-SPEAKER: You speak on all the amendments that you have given notice of. Amendments to this particular clause—that is what I mean.

SHRI KARTIK ORAON: As regards my amendment No. 274, I want just a re-wording of Clause 5(4) (iii) where it is stated:

"which is intended, or which is part of a scheme which is intended, to overthrow by force the Government as by law established;"

In a democratic set up, no Government can be overthrown by force. There is no such thing like force in a democratic set up. It is only when it violates democratic or lawful means that the Government can be overthrown. Therefore, I have suggested, in place of "by force the Government as by law established", substitute, "any Government otherwise than by lawful and democratic means". I would request the hon. Minister to consider this.

My second amendment No. 275 relates to the re-wording of sub-clause (iv) which says:

"which is intended, or which is part of a scheme which is intended, to create internal disturbance or the disruption of public services;"

There could be internal disturbance or disruption of public services due to many causes, based on casteism, favouritism, provincialism and nepotism. Many such undesirable elements might develop. We cannot ignore these things. So, I have suggested, after line 45, insert the following:—

"Provided that a peaceful demonstration, strike by workers pea-

[Shri Kartik Oraon]

sants and other sections of the people for the alteration of any matter in the Government or public or private undertaking which is producing or has a tendency to produce a feeling of hatred or ill-will between different classes of people, shall not be anti-national:"

This cannot be called anti-national. Supposing anything wrong is happening, can't we raise our voice against it? This is too much. Therefore, I would request the hon. Minister to consider this.

My third amendment No. 276 is relating to the re-wording of sub-clause (v) which reads:

"which is intended, or which is part of a scheme which is intended, to threaten or disrupt harmony between different religious, racial, language or regional groups or castes or communities;"

I have suggested here that in place of "religious, racial, language or regional groups or castes or communities", substitute the following words, "racial, caste, communal, linguistic or regional group".

Lastly, there is my amendment No. 277. We cannot be shut out for raising our voice against economic imbalances being created in certain regions or areas. There are certain backward areas. If we raise a voice that certain backward areas are being neglected or they are not being developed, will that be considered as anti-national? That is too much. That will perhaps run counter to the 20-point economic programme. Therefore, I have suggested a proviso:

"Provided that to point out errors and defects in the Government or Constitution, as by law established with a view to their reformation and removal which stand on the way of the removal of regional imbalance in any part of a State, shall not be anti-national;"

These are the four amendments that I have suggested and I would request the hon. Minister to consider them rather dispassionately.

श्री मुहम्मद जमीलुर्रहमान : डिपुटी स्पीकर साहब मेरा एमेंडमेंट नं० 292 यह है :

"Page 3, after line 2, insert—

"Provided that any action taken for religious preachings and propagations shall not be deemed or treated as anti-national."

मिनिस्टर साहब ने बताया है कि यह प्राविजन रखने की ज़रूरत क्यों पड़ी है। हमारे मूल्क में पिछले दो तीन सालों में ऐसी हरकत हुई है, जिन की बजह से कृष्ण बंधन लगाने की ज़रूरत पड़ी है। लेकिन आप इस पर गौर फर्माएंगे कि हमारे व्यूरोक्रेट्स का पंजा इस कदर सख्त और इतना मजबूत हो गया है कि अगर उस को खुली छूट दे रखेंगे तो वह हमारी डेमोक्रेसी का एक मजाक उड़ा कर रहेंगे। इस को संविधान में जोड़ने के बाद वे और मजाक उड़ाने की मजीद कोशिश करेंगे। अब जैसे यह सेक्युलर देश है सेक्युलर और सोशिलिस्ट ज़ब्द हम इस में जोड़ भी रखे हैं, तो यह मूल्क तो बहुत प्राचीन है, यह अशोक का मूल्क है, बुद्ध का है, हमारे छात्राचार साहब का है, हज़रत निजामुद्दीन का है सभी लोगों का है। तो सबाल यह है कि अगर एक सेक्युलर स्टेट में कोई आदमी अपनी रेलीज़स प्रीविंग्स को करे तो इन के हाथों में वह हृष्यकण्डा हरणिंग नहीं देना चाहिये कि ये उस को एंटी-नेशनल घोषित कर दे। जो बात कांस्टीट्यूशन में अंकित के लिये गारन्टीड हैं उस के तहत कोई कार्य वह अपने मकाद के लिये करता है तो मेरी गुजारिश है कि उस के ऊपर इन का हृष्यकण्डा न चल सके। आप देखें रेलीज़स प्रोप्रेशन के बारे में, बहुत से तीर्थस्थान हैं बहुत से ज़नूस

निकलते हैं, वहां पर बहुत सी बातें होती हैं, सौ पचास तरह के लोग जमा होते हैं, चाहे मुल्क के किसी हिस्से में जावें, तो ऐसा नहीं हो कि इस पर ऐसा बन्धन पड़ जाये, इन बातों को प्रीच करने में या इन को फैलाने में जिस का कि हम को पूरा हक और आजादी है कोई बाधा पड़े और व्यूरोकेट्स उस का नाजायाज फायदा उठाये। इस लिये मैं ने इस के लिये एक छोटा सा अमेंडमेंट दिया है।

दूसरा अमेंडमेंट जो मैं ने दिया है वह 293 नम्बर पर है।

Page 3,—

after line 8, insert—

"Provided that no such law shall affect the rights conferred on the minooities or scheduled castes, the scheduled tribes or other backward classes under the Constitution."

यह मैं अर्ज कर दूँ कि अभी हमारे गोखले साहब जो हमारी पार्टी के एक बरिठ और मजबूत सदस्य हैं उन्होंने कहा और हमारे लीडर ने कहा है कि माइनोटीज शेड्यूल कास्ट और शेड्यूल ट्राइब्ज के पूरे हकों की हिकाजत होगी और उन के हर महरूज हैं इस कांस्टीट्यूशन में यह बिल्कुल सही बात है लेकिन उनको कितना लागू किया जा रहा है यह सवाल है। फिर वही बात बूम किए कर आती है कि व्यूरोकेट्स के पंजे इतने मजबूत हैं कि संविधान में होने के बाबजूद उन के वह हक्क उन को नहीं दिये जाते। अभी पिछले सेशन में बहस हुई, शेड्यूल कास्ट और शेड्यूल ट्राइब्ज को जो एक कांस्टीट्यूशन में गारीब हैं कि इतने परसेट उन को सविस मिलेगी, हमें शमिन्दगी उठानी पड़ी जब वह लिस्ट हम ने देखी; वह परसेट पूरा नहीं हो पाया। कांस्टीट्यूशन

में लिखने के बाबजूद, कोडिकाइ होने के बाबजूद वह पूरा नहीं हो पाया। इस लिये मेरी गुजारिश होगी कि माइनोटीज के हक्क के बारे में हमारे लीडर्स ने और ला निनिस्टर साहब ने जो कहा है उस को अगर कोडिकाइ कर देंगे तो क्या हर्ज है? एक उस में सिफ़र प्राविजन जोड़ना है कि जो हक्क इन के गारंडिट हैं उन में कोई मदाखलत नहीं होगी व्यूरोकेट्स के जरिये। क्योंकि ऐसा नहीं हो कि ये व्यूरोकेट्स हमारी डेमोक्रेसी का मजाक बना कर हमें एलिमिनेट कर दें सोसाइटी से और मेन स्ट्रीम से। इस लिये मेरी यह गुजारिश है कि मेरे जो ये दो संशोधन हैं इन को मंजूर किया जाये।

شروع مختار جمیل الرحمن: قہتی

بیکر صاحب— میرا ایلڈمنٹ

نمبر ۲۹۲

Page 3,—

after line 2, insert—

"Provided that any action taken for religious preachings and propagations shall not be deemed or treated as anti-national."

مسٹر صاحب نے بتाया है कि ये پ्राविजन दक्षते की प्रवृत्त कोड यां- ہمارے ملک में यह तीन سالों में लिसी حركات होती ही हैं जो कि वे से कहीं- पढ़देने काले की प्रवृत्त ہی- یعنی آپ ये خود فرمातें गए के ہو- ہمارے بھू-کوتक्स का پंजें अस्त्र सफ्ट लूर अला مظبوط हो गया है के लोगों को नहीं ज्ञान देने वाले हैं तो वे ہماری قید-کریसी का مذائق

[شیعی محمد جمیل ارجمند]

ازاگر وہیں کے۔ اس کو سوپاہان میں چوڑنے کے بعد وہ اور مذاق اڑان کی مذیوں کو شکش کر دیکر۔ آپ جو یہ سیکولر دیس ہے سیکولر اور موششت شبد ہم اسیں جوڑ بھی وہیں تو یہ ملک تو بھٹا پر اچھیں ہے۔ یہ اشوگ کا ملک ہے بده کا ہے۔ ہمارے خواجہ صاحب کا ہے۔ حضرت نظام الدین کا ہے۔ سبھی لوگوں کا ہے۔ تو سوال یہ ہے کہ اگر ایک سیکولر ستھیت میں کوئی آدمی اپنی دیلمیزس پریچنلکو کو کرے تو انکے ہاتھ میں وہ ہتھکندا ہو گز نہیں دینا چاہئے کہ یہ اسکو ایلٹی نیشنل کھوشت کر دیں۔ جو بات کاشتی تیوشن میں اقلیت کے لئے کارنہت ہے اس کے تحت کوئی کام وہ ہے مفاد کے لئے کرتا ہے تو میری کذابش ہے کہ اس کے اوپر ان کا ہتھکندا نہ چل سکے۔ آپ دیکھیں پر اپنکیشن دیلمیزس کے بارے میں بہت سے تحدتو استھان ہیں۔ بہت سے جلوس نکلتے ہیں وہاں پر بہت سی باتیں ہوتی ہیں۔ سو پچاس طرح کے لوگ جمع ہوتے ہیں چاہے ملک کے کسی حصے میں جاتیں تو ایسا نہیں ہو کہ اس پر ایسا بدنہن پر جائے ان باتیں کو پریج کرنے میں یا انکو پہنچانے میں جسکا کہ ہمیں پورا حق اور آزادی

ہے کوئی بادھا پرے اور بروکر لہتے سے اس کا چائز فائدہ اٹھائیں۔ اسلئے میں نے اس کے لئے ایک چھوٹا سا امیلڈ میلت دیا ہے۔ دوسرا امیلڈ میلت جو میں نے دیا ہے وہ 293 نمبر پر ہے۔

Page 3.—

after line 8, insert—

“Provided that no such law shall affect the rights conferred on the minorities or Scheduled Castes, the Scheduled Tribes or other backward classes under the Constitution.”

۴۔ میں عرض کردن کے ابھی ہمارے گوکھلے صاحب چوہاری پارٹی کے ایک ووٹھے اور مظاہر سدسیہ میں انہوں نے کہا اور ہمارے لیکر نے کہا ہے کہ مائیلودورپتن شڈیولڈ کامٹی اور شڈاولڈ ترائیڈ کے ہوئے حقوق کی مذہبیت ہو گی اور ان کے حق محفوظ ہیں۔ اس کانستی تیوشن میں یہ بالکل صحیح بات ہے۔ لیکن انکو کتنا لاکو گیا جا رہا ہے۔ سوال ہے۔ ۴۔ وہی بات کہوم پرہ کو آئی ہے کہ بروکریت کے پلچھے کتنے مظاہر ہیں کہ سوپاہان میں ہرنے کے باوجود ان کے وہ حقوق انکو نہیں دیتے جاتے۔ ابھی پچھلے سیشن میں بحث ہوئی۔ شڈیولڈ کاسٹس لوو شڈیولڈ ترائیڈ کو جو حق کانستی تیوشن میں دیکھتے ہیں نہ اتنے برسیلت ان کو سروں ملے گی۔ ہمیں شومنڈگی

اپنائی پوتی جب وہ لست ہم نے
دیکھی وہ پرسنلیج چورا نہیں
ہو پایا - کانستی ٹیوشن میں
لکھتے کہ باوجود کوئی ہونے کے
باوجود وہ چورا نہیں ہو پایا - اسلئے
مودی کذارش ہو گئی کہ مائیور ٹیز کے
حقوق کے پارے میں ہمارے لیکر
نے اور لا مسٹر صاحب نے جو کہا
ہے اس کو اگر کوئی ٹیکنائی کر دیلگے تو
کیا ہو جائے؟ اب اس میں صرف
پراویز جوڑا ہے کہ جو حقوق انکے
گارنڈ ہیں ان میں کوئی مداخلت
نہیں ہو گئی بیوکرینس کے ذریعہ
کوئی نہیں ایسا نہیں ہو کہ بیوکریت
ہماری قیمتو کریسی ڈ مذاق بلکہ
ہمیں ایسا ہدایت کر دیں سوسائٹی سے
اور میں ستدم سے - اس لئے میں
یہ گزارش ہے کہ مورے جو یہ
سلسلہ ہیں انکو ملظوہ کہا جائے - [

SHRI EBRAHIM SULAIMAN SAIT: Mr. Deputy Speaker, Sir, with regard to this provision made in this Constitution about anti-national activity, it really creates very grave apprehensions not only in the minds of the minorities but in the mind of the general public also. As far as we are concerned, we say, we declare and we assert that we are going to bring about changes in the Constitution to have a socio-economic revolution. But, on the other side, I find that we are going to limit the freedom of the people and the minorities by this Act. The definitions here are too assuming and also, it is said that in respect of provisions 14, 19 and 31 of the Constitution these

could be enforced. That means that it affects even the civil liberties of the people in general. I agree with Mr. Jamilurrahman when he said that this will limit religious propagation also.

14 hrs.

Under the Constitution it is a minority right. We are free to propagate our religion. Meetings are held, discourses are held, and we propagate our religion. But once you give a very broad definition and say under this Clause:

"which is intended, or which is part of a scheme which is intended, to threaten or disrupt harmony between different religious, racial, language or regional groups or castes or communities;"

this can be interpreted in various ways. And who is going to interpret this? A petty officer at a local level, may be Sub-Inspector of Police or District Magistrate, is going to interpret this. We all know what havoc is being done in various parts of U.P. because of the misbehaviour of the local officials with regard to compulsory sterilisation and all that. These local officials will become all powerful if this clause is introduced in the Constitution. The bureaucrats will gain all power and they will become despots and there will be tyranny.

Not only this, it is said here again in sub-clause (iv):

"which is intended, or which is part of a scheme which is intended, to create internal disturbance...." etc.

By this, even the rights of the labourers to launch an agitation for getting proper wage will be taken away.

Suppose they carry on an agitation to get justice from the Government. What will happen if this clause of 'internal disturbance' is there? This has also to be viewed in a very broad perspective. All such agitations by the labourers for getting justice can be stopped by this. All

[Shri Ebrahim Sulaiman]

just demands and rights of the minorities for holding meetings can be stopped by this.

We have a right to form Associations. All minorities have a right to form Associations to protect our minority rights. Suppose we see that some minority right is infringed or eroded, then we can gather together and if we agitate for the enforcement of the right, under this clause it could be construed as an internal disturbance or a threat to communal harmony: What I have suggested in my amendment is that the following be inserted after line 20:

"Provided that any such law shall make specific provision for judicial review by a High Court judge of any executive order or action taken under this law for declaring any association as anti-national."

There should be some authority over these local officials who should decide whether the decision on the part of the local officials to declare any association or activity as anti-national is correct or not. There should be some authority—it may be a judge or a committee of Members of Parliament—which should decide this. The local officials should not be given unlimited powers. That is not in the interest of the country, in the interest of the people of this country.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): I had given notice of two amendments; I have, however, moved only one and I have withdrawn the other.

So far as this Clause is concerned. I broadly support this Clause. I feel that, by and large this Clause does not confer any new power to the Government because we have already passed the Unlawful Activities Act which gives power to declare an

association unlawful. So, that power is already there. The only thing that was coming in the way was that we had to test it under the provision of 'reasonable restrictions.' Now by this Clause we are laying down that, if a certain person or association engages himself or itself in these activities, then Parliament can take care of that. But I would like to have two assurances from the hon. Law Minister. There are five circumstances under which an association can be declared anti-national. So far as (i), (ii), (iii) and (iv) are concerned, I have no objection. But so far as sub-clause (iv) is concerned, it is very widely worded:

"which is intended, or which is part of a scheme which is intended, to create internal disturbance or disruption of public services"

The hon. Prime Minister has, of course, clarified it by saying that the Government has no intention, whatsoever, of curbing the legitimate rights of the working class. Therefore, in view of that assurance, which again was followed up by the Law Minister, I have withdrawn one amendment. But I feel that there is still some drafting lacuna. You have said:

"which is intended, or which is part of a scheme which is intended to create internal disturbance...." etc.

In what way? The drafting in the case of Constitutional Amendment should be perfect. We accuse the courts, but we should not give a handle to the courts to create complications because of the drafting. With regard to internal disturbance, Shri Daga was saying supposing some people assembled before a factory and create some sort of a riot and there is a possibility of internal disturbance in the factory itself, we intend to bring in that. Obviously, not. Internal disturbance means which may threaten the secu-

rity of the State or the country. I feel, there is a lacuna in drafting here. I hope, the hon. Minister, at least, in his speech will try to rectify this.

The other clause about which I would like to have a clarification is sub-clause (4) (c) (iii), namely,

"the members whereof undertake or engage in any anti-national activity"

Supposing, there is a big organization. The organization is definitely not engaged in any anti-national activity, but four or five of its members are engaged in anti-national activity. Or, in a big organization, some anti-national elements creep in in order to frustrate the genuine efforts of that organization and start anti-national activities. Will that permit the Government to take recourse under his clause? I would like to have a clarification in this regard.

So far as the question, who will take care of it, is concerned, I think, the law will take care of it, because under the Prevention of Unlawful Activities Act, whenever there is an organization which has been declared unlawful, a tribunal is there to see whether that order is justified or not.

My amendment is purely with regard to the drafting. If you look to sub-clause (4)(ii), it reads:

"which disclaims, questions, threatens, disrupts or is intended to threaten or disrupt the sovereignty and integrity of India or the security of the State or the unity of the nation"

The State under this chapter means not only the Union of India, not only the provinces, but all local and other authorities within the territory of India. A municipality is also a State for the purpose of this chapter. Does

it mean that if there is an attempt to destroy the security of a municipality, this clause will be attracted. Obviously, this is not the intention of the Government, but the drafting leaves a lacuna and, therefore, I have moved an amendment to substitute the clause, which reads as under:

"which disclaims, questions, threatens, disrupts, or is intended to threaten or disrupt the sovereignty and integrity or the security of India or the unity of the nation"

I do not think, it can be the intention of this Parliament that if in some remote corner of India, the security of some municipality or Corporation is threatened, we want to take recourse to this clause. This is a drafting lacuna, which I hope, the hon. Minister will take care of.

झी अदाविवरण वास (जाजपुर)
प्राप्ति जी, मैंने 'पर्ने संशोधन में
इहा है कि जो लोग एन्टी नेशनल
एकिविटीज में लगते हैं जो राष्ट्रों
में लगते हैं और जो गान्धी उन की
भद्र करते हैं ऐसे भद्र करने वाले अभियों
को एन्टी नेशनल बोला गया था नहीं,
इस के बारे में परिभाषा पर्याप्त न
हैं- इस परिभाषा को पर्याप्त बनाने के
लिये मैंने मंशेधन दिया है। इस लिये
मेर अनुरोध है कि इस को स्वीकार कर
निया जाय।

DR. RANEN SEN (Barasat): Mr. Deputy-Speaker, Sir, amendments No. 449, 450, 451 and 571, all relating to clause 5 of the amending Bill have already been moved. Before I speak on our amendments, I must say that this is a very obnoxious clause sought to be introduced by the Government, whose ultimate result would be, if not the intention, suppression of democratic rightful movement of common people of our country. Unnecessarily this word 'anti-national' activity and other things have been introduced.

[Dr. Ranen Sen]

One could understand if the Government were very vigilant about the activities of CIA agent's of which even the Congress leaders were speaking so much even today. One could understand if the Government could point out its finger to such an organization. Even then I would say under the normal process of law, under dozens of clauses in the IPC, Cr. P. C. and the Prevention of Unlawful Activities Act the Government are empowered to declare any organization unlawful and to haul up any person for such unlawful activity. But to bring it in the Constitution of a country like India—we call ourselves a democratic country and we aspire to become a socialist country—and to put there such a clause, would only be an attempt to suppress the popular feeling and movement's.

How will they be implemented? Firstly who will decide whether it is an unlawful activity or not, anti-national activity or not and whether an association is an anti-national association or not? Who will decide? Not the Prime Minister of India, not even Mr. Gokhale. It will be decided at the lowest level—a constable or at the most the Daroga of the Thana, the Head Constable. This has been our experience. We are not talking in the air. This has been our experience. Even there are cases where when the 20-Point Programme has been accepted by the Government of India, by the people and by the Parliament of India, Mr. Shastri who is a Member of Parliament has been arrested because he went to address a meeting in support of the 20-Point Programme. We are not talking in the air. This is what has happened. Who are the authorities who will declare that a certain organization is anti-national or a certain activity as anti-national? Mr. Gupta in his speech referred to the session of the AITUC where foreign delegates were to come—24 delegates from different countries. The local officials

did not like it and they wanted to impose so many restrictions and ultimately they did not allow us to hold mass meetings. This is how things are taking place in our country today. Therefore, I say that this is a very obnoxious article which is being sought to be introduced in the Constitution. As I said earlier, the Government should not have done it.

Again under this clause (5) here, you see (4) (b) (ii):

“which disclaims, questions, threatens, disrupts or is intended to threaten or disrupt the sovereignty and integrity of India....”

One can understand that if anybody wants to threaten the sovereignty and integrity of the country, there should be something embodied in the Constitution to suppress that. But again,

“or the security of the State or the unity of the nation;”

Please read this with the next sub-clause:

“which is intended, or which is part of a scheme which is intended, to overthrow by force the Government as by law established;”

If anybody or any organization intends to do that, then, you have enough powers under the ordinary law. Why do you want to introduce them in the Constitution? Our constitution will be scrutinised after this amendment particularly by people all over India. We speak of socialism, speak of democracy and secularism but these things are bound to be applied against the common people, the common man in the street. Strikes will be prohibited under clause (4) (b) (iv) where it is said:

“which is intended, or which is part of a scheme which is intended, to create internal disturbance or the disruption of public services.”

It is clearly against the trade union movement, against the kisan movement, against the movement of the agricultural labourers. There is no doubt about it.

There is a big discontentment among the peasantry—jute growers. They have not got the reasonable price.

There have been demonstrations. There have been instances when the Government officials banned those demonstrations. We are not talking in the air. It is very unfortunate that the trade union movements will be banned.

There are instances—hundreds of them—where the trade union workers who believe in democracy, who believe in emergency powers to be used against the reactionary forces have been arrested. In this House several times their names have been mentioned. They have been arrested under MISA, under DIR. DIR has been applied against the Trade Unionists who demanded certain things. Did the Prime Minister or Shri Gokhale decide that?

Officials at the lower level have misused the existing laws at their local places. They have imposed restrictions. Local Dafadars, jammadars, sub-inspectors will rule the roost.

We have carefully noticed these amendments. Our leader Shri Indrajit Gupta has said that in the aims and objects you have written something—‘socio-economic revolution’. The workers, the peasants, the middle-class people who earn their livelihood by serving the country only can bring socio-economic resolution. The clause introduced by Shri Gokhale is abominous as this will take away the rights of the common people that they already enjoy under Articles 14 & 19. I know you cannot touch the right to property but you are touching this particular point. You are attacking the

rights of the workers, the rights of the kisans, etc. Therefore, our amendment runs like this:

“Any law in respect of matters referred to in sub-clause (a) or sub-clause (b) shall provide for the determination of the question whether a particular individual or association is engaged in anti-national activity by an independent tribunal with a right of appeal to the Supreme Court.”

We have taken a very reasonable attitude. We have said very clearly that we do not want to depend on the local officers. There are instances where out of enmity people have been arrested and organisations have been suppressed. Therefore, we suggested an independent tribunal, independent of the executive which will decide whether a particular person or a particular organisation is indulging in anti-national activity.

That is the whole idea behind this. It is a right to appeal to the Supreme Court. And I think this is a very reasonable suggestion which we have made.

Our amendment No. 449 on page 2, lines 38-39 simply wants omission of the lines ‘or the security of the State or the unity of the nation’. I consider this unnecessary because we have already said that the people who are threatening the sovereignty or the security of this country can be dealt with. But, here, why should the words ‘the security of the State or the unity of the nation’ be at all put in? We are opposing this for this reason that this clause will be liable to be misused against the Muslims, the minorities.

Sir, today everybody knows that muslims have many genuine grievances about education, service, this and that. If there is any movement that the Muslims have not got their proper share in education, then, again, the security of the State or unity of the nation will be found to be in jeopardy by these people. Sir,

[Dr. Ranen Sen]

in this House there are nearly 1,000 employees working under you. How many Muslim are here? They are not even found in the posts of chaprasis or peons, for which, not much merit is necessary. Therefore, we are opposed to this.

The other amendment is No. 450. I want that the lines 40 to 42 should be substituted by:

"(iii) which is intended to overthrow the Government established by anti-democratic and violent means". We are substituting this particular clause by the following namely, 'which is intended to overthrow the Government by law established by anti-democratic and violent means'. You have enough provisions already. And if any person or a group of persons or persons like Shri Fernandes or any such organisation wants to overthrow the Government established by law by violent means, by anti-democratic means, by means of sabotage or by means of destruction to public property, they should be dealt with. Therefore, I have made the amendment.

Regarding No. 451, I want the omission of lines 44-45. This is a part of the scheme which is intended to create internal disturbance to the public service. If there is a strike by transport workers for certain of their demands, that will disturb the public services I am not here referring to the railway workers strike because already a bogey has been created about that. There are other workers who are doing public service, for example, the textile workers. They are doing the job of public service. Postal workers and municipal workers are also doing public service. If there is a strike or demonstration, they are taken care of by this particular clause in the Constitution.

So, we are totally opposed to this and we have asked for the deletion of these two lines. Many hon. Members have said many things which support

our contention. We support many of their contentions. With regard to socialist democracy etc., etc., Government should think twice before introducing the changes. It is better that the whole thing is taken out of the proposed amendment but, if it is to be introduced, we are suggesting these amendments.

ओं शंकर दयल सिंह (चंद्र) : उगाछ्यत महोदय, कृति 5 में मैंने कूल मिलादर अपने 10 अमैंडमेंट दिये हैं। 10 में 4 तो ऐसे हैं जिन्हा संबंध कड़ी जोड़ने से हैं लेकिं शेष जो अमैंडमेंट मैंने रखे हैं, वे हिन्दी और अंग्रेजी के भेद के कारण रखे हैं।

मैं यह बात इन लिये दूह रहा हूँ कल भी मैंने कहा था और अब फिर दोहराना चाहता हूँ जैसे भाई डासा जी ने भी कहा था कि जो हिन्दी को कपी हम लोगों को मिलती है, उस में और अंग्रेजी की कपी में बहुत भेद नहीं आता है।

जिन शब्दों का अर्थ हर लोग बचान से जानते आ रहे हैं उन का कोई दूतरा ही अर्थ इस में दिया गया है, जिस से हम बड़ी परेशानी में पड़ गये हैं। इसी लिये मैं ने कल कहा हैं या कि अनुवाद में भाषा सख्त होनी चाहिये।

इस दलाज में राष्ट्र विरोधी गतिविधियों की बात कही गई है। मेरा संशोधन यह है कि "राष्ट्र" के बाद "या समाज" शब्द जोड़ दिये जायें, क्योंकि राष्ट्र विरोधी और समाज विरोधी दोनों ही देश के लिये चातुर हैं। अगर कोई समाज कोटि के सामने गया, तो संबंध बहिर कह सकता है कि यह तो मेरा काम है, वह एन्टी-शेशन एकिटिविटी है या नहीं। लेकिन एन्टी-शेशन गतिविधियां भी एन्टी-शेशन गतिविधियाँ के समान

समाज और देश के लिये हनिकारक होती है। मेरे संशोधन वा तात्पर्य यह है कि अन्नाज विरोधी गतिविधियों को भी इस अनुच्छेद के अंतर्गत लाया जाये।

इस बलाज में जहाँ धर्मों : गम्भीरों के बीच संबंधों को बिगड़ने के बारे में ही गई हैं, वहाँ "जातियों" को नहीं रखा गया है। हम बराबर देखते हैं कि केवल धार्मिक विद्वेष ही नहीं फैलाया जाता है, बल्कि जातियों के बीच भी विद्वेष फैलाया जाता है। उस से भी समाज को बहुत नुसारात होता है। इसी लिये मैं ने यह सुझाव दिया है कि "धर्मों" के बाब्त "जातियों" को भी जोड़ दिया जाये।

पृष्ठ 2 पर (ब) (iii) में कहा गया है :

"जो विधि द्वारा स्थापित स्तरार को उलटने के लिये आशयित है या किसी ऐसी स्त्रीम का भाग हैं जो ऐसी स्तरार को उलटने के लिए आशयित हैं;"

इस बलाज में कई जगहों पर "आशयित" शब्द दा प्रयोग किया गया है।

मैं इस शब्द का अर्थ नहीं समझता हूँ। इस लिए मैंने यह सुझाव दिया है कि इस के स्थान पर "जवाबदेह," शब्द रख दिया जाये।

मैंने यह भी सजेस्ट किया है कि "जो" के पश्चात् "जनता द्वारा निर्वाचित एवं" शब्दों को जोड़ दिया जाये। आज हमारी व्यवस्था के अन्तर्गत देश के किसी राज्य में राष्ट्रपति का शासन कायम है और किसी राज्य में असेम्बली तथा मन्त्रिमण्डल के द्वारा शासन चल रहा है। इस बलाज में जनता द्वारा निर्वाचित एवं विधि द्वारा स्थापित सरकार" रखने से स्थिति स्पष्ट हो जाती है।

इसके बाद मैं ला मिनिस्टर् साहब का ध्यान पृष्ठ 3 पर (ग) (ii) की ओर दिलाना चाहता हूँ, जिसमें कहा गया है :

"जो लोगों को राष्ट्र-विरोधी गतिविधि प्रारम्भ करने के लिए या करने में लगे रहने के लिए प्रोत्साहित करती है को सहायता देती है;"

मैंने संशोधन दिया है कि "सहायता" से पहले "किसी प्रकार की" शब्द जोड़ दिये जायें। कुछ लोग बौद्धिक रूप से, कुछ लोग आर्थिक रूप से और कुछ लोग धार्मिक रूप से राष्ट्र-विरोधी गतिविधियों को सहायता देते हैं वे सब राष्ट्र-विरोधी और समाज-विरोधी तत्व हैं। पिछले दिनों हमने देखा कि जिन संस्थाओं को बैन किया गया है, उनमें सब लोग राजनीतिक नहीं थे, बल्कि बहुत से दूसरे लोग भी थे, जो समाज को उसी तरह हानी पहुँचाने वाले थे। उदाहरण के लिए हम जानते हैं कि आनन्द मार्ग ने जनता को किस तरह से गुमराह किया, किस तरह से लोगों को छाप्ट किया, किस तरह से नौजवानों की ज़िंदगी ख़राब की और किस तरह से समाज को पतन की और घसीटा। इसीलिए मैंने सुझाव दिया है कि जो संस्था राष्ट्र-विरोधी गतिविधियों को विसी भी प्रकार सहायता देती है, उसको राष्ट्र-विरोधी संस्था समझा जाना चाहिए।

मेरा निवेदन है कि भविध में मन्त्री महोदय स्वयं हिन्दी अनुवाद को देख सकिया करें। मेरे कुछ संशोधन उसी के बारे में हैं।

जैसे कि आपने लिखा अन-अंगीकरण करती है, जो भारत की प्रभुता और अखण्डता का अध्यवा राज्य की सुरक्षा का या राष्ट्र की एकता का अनश्वरीकरण करती है, यह अन-अंगीकरण क्या है? छिन्न मिशन करती है यह आप कहिए। इसलिए

[श्री शंकर दयाल जिंह]

मैंने ऐसे-ऐसे शब्दों पर भी संशोधन रखे हैं। मूल रूप से मेरे इसमें चार ही संशोधन हैं। मैं समझता हूँ कि ये इस तरह के संशोधन हैं कि जिनको स्वीकार करने में विधि मंत्री को बहुत खुशी होगी। वांकिं इनको अस्वीकार करके इन चीजों को श्रीभी पुष्ट बना लेंगे। मेरा इतना ही निवेदन है।

MR. DEPUTY-SPEAKER: Mr. Gokhale would like to say something on his amendment?

SHRI H. R. GOKHALE: It is a formal amendment.

MR. DEPUTY-SPEAKER: So, you do not want to make any observations. Then, Dr. Kailas.

DR. KAILAS (Bombay South): Sir, my amendment is very simple. It reads: Notwithstanding anything contained in article 13, the right to acquire, hold and dispose of property referred to in article 19 shall always be subject to any law enacted to give effect to the Directive Principles contained in Part IV of the Constitution. Article 19 gives the right to freedom of speech and expression, to assemble peaceably and without arms, to form associations or unions, to move freely throughout the territory of India and to "acquire, hold and dispose of property." When I read, this I wanted to amend these last words. But this article is not being amended by the present constitution amendment Bill. Therefore, I had to refer to article 31 which is being amended by the present Bill. In article 31 "right to property" is the heading. Article 13 deals with fundamental rights. It says that the State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall to the extent of contravention

be void. Hence I have moved my amendment. When it is clear that our aim is socialism why should we keep these words and acquire or hold property. Naturally we are taking steps to limit the properties of those who have enormous wealth, those who do not behave like trustees which was the kalpana or dream of Mahatama Gandhi. Hence I request the Law Minister to accept this. It is quite harmless. Perhaps it explains what he stated in his opening speech and also today while replying to the debate, that we wanted to go towards the aim of socialism in democratic way. Hence this can be added and I think this should be accepted.

श्री जावृद्धंत बोटे: मैं अपने दोनों संशोधन 559 और 560 के संबंध में बोल रहा हूँ।

चालालीसवें संशोधन का जो यह हिस्सा है यह सब से डेमेंजिंग हिस्सा है।

इस संशोधन के जरिये, इस कलाज़ (5) के जरिये हक्करानों डैमोक्रैसी में व्यूरोकैसी को अतिरिक्त अधिकार दे रहे हैं। कास्टीट्रूशन में फैर डम आफ थाट की बातें हम करते हैं। कास्टीट्रूशन में राइट आफ फैर डम की बात स्पष्ट की गई है:

- (a) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (f) to acquire, hold and dispose of property.

प्राप्टी का फैरडेमेटल राइट इसमें दिया हुआ है उसको इस संशोधन विधेयक ने स्पष्ट नहीं किया है। इस 44वें संविधान संशोधन विधेयक में प्राप्टी को स्पष्ट करने में हुक्मरानों को हिचकिचाहट हुई लेकिन इस समय जिनके पास प्राप्टी है, जो जनता को चूसते

हैं उनके खिलाफ़ कोई आन्दोलन खड़ा किया जाये तो उस आन्दोलन के लिए उन आर्गेनाइजेशन्स के ऊपर पावन्दी लगाने का अधितार इस संघोंवन विधेयक के द्वारा व्यूरोकैपी को शासनकर्त्ताओं के द्वारा दिया जा रहा है। देशद्रोही और देशविरोधी गतिविधियों की जो डेफ़रीशन इस 5वें बलाज में की है वह सर्वधारपी है। उसमें सारी बातें आ जाती हैं। प्रश्न यह है कि हम किसको ट्रैटर कहें किस आर्गेनाइजेशन को ट्रैटर कहे—इसको कौन तय करेगा? जिसके हाथ में हुक्मत है, जिसके हाथ में डन्डा है वही इस बात को तय करेगा। मैं गहराई में न जाते हुए कहना चाहता हूं कि इस संघोंवन के द्वारा बुलिस कांस्टेबल, हेड कांस्टेबल, सब-इंस्पेक्टर या आई पी एस और आई ए एस अफ़करों को अधिकार दिया गया है। जिनके हाथ में हुक्मत का डण्डा है उनको बहुत ही जबर्दस्त और खतरनाक दैयन इस संघोंवन के द्वारा दिया जा रहा है। देश दोही और देश विरोधी गतिविधियों के लिए इस देश में पहले से कई कानून हैं। इसके लिए इंडीयन वेनल कोड है, क्रिमिनल प्रोसेजर कोड है और खास तौर पर इस किस्म के मामले डोल करने के लिए हमारी लोकसभा ने प्रिवेंशन आफ़ अनलाफ़ एक्टिविटीज एक्ट मंजूर किया है। जब यह एक्ट अमेंडमेंट के लिए यहां पर लाया गया था तो उसके आर्गेनेशन्स में यह साफ़ कहा गया था कि इस किस्म के जो आर्गेनेशन्स होंगे या इस किस्म की जो एक्टिविटीज होंगी उन पर पावन्दी लगाने के लिए इसको लाया गया है। यह एक्ट कहता है:

associations and other matters connected therewith.

इस पांचवें कानून में संघोंवन में जो बात मैं नैकही है इसको डील करने के सारे अधितार प्रिवेंशन आफ़ अनलाफ़ एक्टिविटीज एक्ट में लिये हुए हैं। इन सारी बातों के होते हुए इस किस म का संघोंवन इस तथाकथित कानून कारी सोशियोएकोनामी की बातें करने वाले 44वें संघिवान संघोंवन विधेयक में लाने की क्रा जरूरत थी। मेरा साफ़ तौर पर यह कहना है कि 5वें बलाज के मातहत हुक्मरान फ़ासिल्टीज की पावर ले रहे हैं। फ़ासिल्टीज की पावर को इस बलाज के जरिये हुक्मरान अपने हाथ में लेने जा रहे हैं। प्रश्न यह है कि एन्टी-नेशनल एक्टिविटीज या ट्रैटर कौन तय करेगा, जिस के हाथ में डण्डा होगा वही तय करेगा। कल यह भी हो सकता है कि कोई कहेगा—गोखले साहब, जो इस देश के सम्मानीय कानून मंत्री हैं, अपने चैम्बर में बैठे थे और देश के खिलाफ़ कुछ बातें कर रहे थे, जो एन्टी-नेशनल हो सकती हैं। इसी तरह से मान लीजिए—चब्बाण साहब अमरीका यथे और अमरीका में बातचीत करते हुए रूप के खिलाफ़ उन्होंने कोई तथाकथित स्टैण्ड लिया....

श्री शंकर दयाल सिंह: उपाध्यक्ष महोदय, मेरा प्वाइन्ट आफ़ आर्डर है। माननीय संसद सदस्य इस समय जो कुछ भी कह रहे हैं, अपनी अमेंडमेंट के सम्बन्ध में कह रहे हैं, लेकिन ये जो भी बातें कहना चाहते हैं—उस का एक तरीका होता है, इनकी भाषा उसी के अनुसार होनी चाहिए और उदाहरण भी उसी के अनुसूप होने चाहिये। लेकिन इन्होंने अभी जो उदाहरण दिये हैं—गोखले साहब या चब्बाण सहाब या अन्य दूसरे नामों को जिन संदर्भों में लिया है, वह गलत है, ऐसा

[श्री शंकर दयाल सिंह]

कभी भी नहीं होना चाहिये । इस लिये मैं आप से यह अनुरोध करना चाहता हूँ कि इन्होंने जो उदाहरण दिये हैं—गोखले साहब और चब्बाण साहब के बारे में, उन को कार्यवाही से डीलीट किया जाये, साथ ही आप माननीय सदस्य को कहे कि वे आगे इस तरह के कोई भी उदाहरण न दें ।

DR. KAILAS: When you have asked us to speak on our amendments and that, we should try to say why we have sent the amendments and try to explain that. Is it justified to describe what somebody did in America or what somebody is doing in Bombay? Can this example be followed? That is what I want to understand from you. Would you kindly ask him to restrict himself to his amendment only?

MR. DEPUTY-SPEAKER: There are only two issues involved. One is the issue of relevance, about which it is easier said than done to apply to member's speeches. I had said so in the beginning also. About deletion, that is governed by other rules. Carry on and try to be brief.

श्री जावृदंत दे : उपाध्यक्ष महोदय, ऐसी अवस्था में, जिस के हाथ में दण्डा होग वही तय करेगा कि कौन देशद्वेषी है किस की देश-विरोधी गतिविधियां हैं। यह बहुत ही खतरनाक किरण का हथियार है, यह फ़ासिल्ट हथियार बना सकता है मैंने जो अभी कहा था— उस के ऊपर मैं वही स्टेप्ड लैता हूँ। ऐसे विस्म क अधिकार उन को नहीं मिलना चाहिये ।

MR. DEPUTY-SPEAKER: Please conclude now.

श्री जावृदंत दे : इसर में कहे १२ सेकंट हो उं तो आप मैंने ऐसी दीड़िया ।

MR. DEPUTY-SPEAKER: I had made an observation right in the beginning that we are not speaking on the amendments. We are only making observations on those amendments. We should not utilize this as an opportunity to make a big speech. I had said so in the beginning, but since this clause appears very vital and very important, I had allowed Members to be a little elaborate; but even so, try to conclude now.

श्री जावृदंत दे : उपाध्यक्ष महोदय, यह संशोधन जो है, उस संशोधन के ज़रिये एक बहुत ही खतरनाक किस्म का हथियार हुक्मरान अपने हाथ में ले रहे हैं और उस हथियार का इस्तेमाल कभी उन के ऊपर भी हो सकता है। इतिहास में और पुराणों में ऐसे कई उदाहरण हैं। उन का जिक्र कर के मैं सदन का समय नहीं लेता चाहता हूँ। उपाध्यक्ष महोदय, इस विस्म के हथियार को लेने की आज क्या जरूरत है? मेरे सामने जब यह क्लाज 5 आती है तो उस में बहुत सारी लाइनें हैं, जिन के कारण जो स्थिति पैदा होगी उसका पता नहीं है। इस दबत जो लोग जेल में हैं अलग अलग कारणकाल, जो लोग बेटिनेंस आफ़ इंटरनल डेकूरिटी एक्ट में हैं या दूसरे कारणों से हैं, उन का क्या होगा। उन के बारे में यह एमेंडमेंट कौन सा रूप अस्तियांर करता है? यह जो संशोधन है यह बड़ा भयानक मालूम पड़ता है और इस से हमारे इस सदन को भी वालिमा लगने वाली है। इस बजह से, उपाध्यक्ष महोदय, मेरी प्रार्थना है कि इस देश को जिसे प्रजातन्त्रात्मक, गणतन्त्रात्मक और सोशलिस्ट अपने प्रीएम्बल में हमने कहा है, उस को बचाने के लिए कम से कम क्लाज 5 के उस हिस्से को, जिस के बारे में मैंने कहा है, डिलीट कर देना चाहिए। लोप होना चाहिए। अगर ऐसा नहीं होता है, तो इस देश में खतरनाक अवस्था का निर्माण हो सकता है।

उपाध्यक्ष महोदय, एक बात और कहना चाहता हूँ और वह यह है कि अगर मस्तिष्क में,

चर्च में, गुरुद्वारों में और मन्दिरों में लोग इकट्ठा होते हैं, तो उन को भी आप एटी-सोशल सेन्टर्स कह सकते हैं। इसलिए यह चीज बड़ी महत्व की है और मैं अपने देश के कानून मन्त्री जी से प्रार्थना करता हूं कि उन्हें इस संशोधन पर गौर करना चाहिए और बनाज 5 का लोप करना चाहिए। यही प्रार्थना मैं उन से बार बार करता हूं और जो सदस्य बनने का अधिकार सार्वभीम जनता ने मन्त्री दिया है, उन के इन्साफ के लिए, उन की ओर से इन से प्रार्थना करता हूं कि इस बात पर गौर करें और यह कासिस्ट आउटलुक और यह कासिस्ट लाइन छोड़ दें।

MR. DEPUTY-SPEAKER: Granted that this clause is very important; it will touch the lives of a large number of people and their functioning very closely. Order please....

There are a number of members who had given notices of their amendments. But for one reason or another, they were not present when their names were called, to move their amendments.

I am not going to allow them to move their amendments now. Mr. Kartik Oraon, I called your name; why did you not move? Did you move? I don't think so. Please don't confuse me.

Yes; Yes. I think I called you, but you were not prepared to speak. Anyway, you have not spoken. If you have not, you can speak now. I think you were not here when I called you to speak. You can speak now.

SHRI KARTIK ORAON: Sir, I have moved an amendment with regard to sub-clause (4). I would like to say...

MR. DEPUTY-SPEAKER: I am told by office that you have spoken. So, kindly sit down.

SHRI KARTIK ORAON: How can you say that? I have not spoken on this point.

MR. DEPUTY-SPEAKER. I am on my legs. Kindly sit down. If you have any submissions to make, I will hear you again. Since Members had moved a number of amendments, I have observed in the very beginning that when Members speak, they should speak on all the amendments they have moved.

SHRI KARTIK ORAON: Sir, I have not spoken on this point....

MR. DEPUTY-SPEAKER: You have listening even to what I am saying it is unfortunate. You should co-operate with me in the running of the House. Kindly listen to what I am saying. I cannot remember which Members have spoken, because there is a large number of them. Now the records show that you spoke on this clause and this amendment. I had observed in the beginning that when Members speak, they should speak on all the amendments that they have moved. Now that you have spoken once, you cannot speak again, because a right of second speech is not allowed. Please do not insist on that.

SHRI KARTIK ORAON: What has happened, that is all over.

MR. DEPUTY-SPEAKER: Please co-operate. Please resume your seat. I was saying that at the time when the Members who have given notice of amendments were called, they were called, they were not here for one reason or another. They cannot move those amendments now. But, in view of the importance of the clause, I am prepared to make this an exception, if Members co-operate and they do not quote it as a precedent, and that is, to allow those Members who had given notice of amendments to make observations on this clause, but not other Members. This is applicable only to those who gave notice of amendments to make observations on this clause. Secondly, in the case of the Members of the Communist Party, since a large number of them have given notice of the same amendment,

[Mr. Deputy-Speaker]

I will allow another member also to make observations....(interruption) If you tell me that somebody has done it and, therefore, I must do it, I am not the kind of person who will fall in line; I will do what is right and proper. I am not a person who will fall in line never. I am not that type of person.

Shri P. R. Shenoy is not here, Shri Shankerrao Savant is also not present here. I am going strictly in that order. Shri Stephen.

SHRI C. M. STEPHEN: (Muvattupuzha) Mr. Deputy-Speaker, Sir, I would like to make a few observations for the consideration of the Minister regarding this clause about which I have given notice of a few amendments. While I more or less agree with the observations made by certain hon. Members that the law and the Constitution, as they now are, do give sufficient elbow space for the Government to prevent or prohibit anti-national activities, the power now sought is to enact law for the purpose of prevention or prohibition of certain activities, notwithstanding articles 14, 19 and 31. Article 19 has got a large number of exceptions from sub-clause (2) onwards. Those exceptions provide for reasonable restrictions, and the Supreme Court has repeatedly held that reasonable restrictions can amount to complete prohibition of those rights in appropriate cases. Therefore, that is available. Nevertheless, in view of the extraordinary circumstances and conditions through which the country is now passing, one cannot afford to leave it to chance and the whims of the Supreme Court or any other court which may change from time to time. That, I suppose, is the reason why the Government, by way abundant caution, has sought to amend the Constitution in order that, without giving any room for any doubt as to the exact amplitude of the reasonable restriction, they may have the power to enact a law for preventing these activities.

I personally have no quarrel about it. It is necessary. After all, as the Law

Minister said, this is not investing Government with the power, it is investing Parliament with the power. So, if Parliament feels that a particular legislation is necessary, then these articles must not stand in the way, and Parliament must not feel disabled. At that time Parliament can consider whether the particular legislation is called for in the circumstances cited then.

But my apprehension is the other way. I feel that in spite of this clause, Parliament will not have powers to prevent certain activities which, I suppose, are sought to be prevented. Prohibition of associations is what I mean. For the prevention and prohibition of anti-national activities of individuals there is sufficient law I am not bothered about it, with respect to the prohibition of associations, the law has certain loopholes and those loopholes have got to be plugged.

Here, Chapter III is left untouched except for three articles—articles 14, 19 and 31. Although a law may violate these articles, it shall nevertheless not be held to be void, that is what is stated here. But I do not know how article 31, which deals with property, comes into the picture for the purpose of the prohibition of an association, as it does not now stand in the way of the prohibition of an association. Maybe it may stand in the way of acquisition of the property of an association, but once an association is declared illegal, that has to be taken care of in some other way. That is not for the purpose of prevention and prohibition. Article 31 is not directly relevant there.

The real attack against the law is likely to come from articles 25 and 26. Supposing you want to prohibit an organisation like the Anand Marg. There are a number of organisations going behind the mask of religion, said to be propagating religion etc. Article 26 says:

'Subject to public order, morality and health, every religious denomina-

nation or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;...."

And article 25 reads:

"Subject to public order....all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion".

The real difficulty, according to my conception, is that, if you proceed against an organisation which is basically political, which is basically subversive, but is going on behind the mask of a religious sect, propagating a certain religion and mantra, puja etc., are all going on, it is possible that articles 25 and 26 can be quoted against you.

15.00 hrs.

It is there that the Parliament has no power. With respect to prohibition of an organisation, despite these articles this articles has not taken any power. Therefore, I feel that articles 14 and 19, by and large, do not stand in the way of prohibition nevertheless, by way of abundant caution, you may take additional, specific power for that purpose. Nobody has any objection about it. But where the real lacuna? Certain associations cannot be prohibited which is the real need of the hour. Power is not taken and therefore the Parliament will remain disarmed, as far as that is concerned. That is my apprehension.

Therefore, I have suggested to the Law Minister that instead of going in this round about manner you can straightway assume power for the Parliament to prohibit an association in the name of sovereignty and integrity and all that you have stated and despite the provisions of Chapter III. That could have been done. Anyway, the

clause as now framed could be ineffective. That is my apprehension. My contention is that it is not unnecessary. My contention is that it is ineffective, as far as prohibition of an association is concerned.

My, third point is this. I would like to draw your attention to sub-clause 2. It says:

'Notwithstanding anything in this Constitution, Parliament shall have, and the Legislature of a State shall not have, power to make laws with respect to any of the matters referred to in sub-clause (a) or sub-clause (b) of clause (1)."

Sub-clause(a) says: "The prevention or prohibition of anti-national activities; Sub-clause(b) says. "The prevention of formation or, or the prohibition of, anti-national association Anti-national activities are defined down below. Therefore, this clause says that the Parliament alone will have power to pass laws to prevent internal disturbance, to prevent the over-throw of the State and so on. State is defined in Chapter III as inclusive of the State and the Government of the States also. Well, this is a matter of public order and a criminal law. Public order is a State subject today; Criminal law is a concurrent subject. Today, being under State list or concurrent list these subjects are under the jurisdiction of the State. Now you say that the law which seeks to prevent activities like disturbances internal law and only order situation and so on is law which can be enacted only by Parliament and not by the State Legislature. This, according to me, is a contravention of Article 246 and taking away certain subjects which now stand allotted either to the Concurrent List or to the State List. It could have been otherwise. You could have said that if a law is to be passed it may be reserved for the assent of the President, and after the assent is obtained, then it could become a valid law. (Interruptions)...

I do not understand about sub-clause (4)(b) and sub-clause (ii). I would

[Shri C. M. Stephen]

like to get an explanation from the Law Minister. "which disclaims, questions, threatens, disrupts or is intended to threaten or to disrupt." The leading clause says that if you disclaim, if you question and if you disrupt, that is an anti-national activity. The second portion says: "If it is intended to threaten or to disrupt." The second part of it leaves out "disclaims" or "questions." There is one concept like questioning and disrupting and that is an anti-national activity.

An activity "which is intended to" is also an anti-national activity. I would like to know why an activity which is intended to disclaim or question is not an anti-national activity. An activity which is intended only to threaten or disrupt is an anti-national activity. Is the commission intentional or is it unintended? If it is intentional, why it is so and what is the rationale behind it.

There is one thing more. An "association means an association of persons. It is now settled that how for purpose of Chapter III, "person" is only a natural person. A corporate person is no person for the purpose of Chapter III. Therefore, an association of persons, individual natural persons, can be covered. But, if, on the other hand, certain arrangements are made between corporate persons powerful beings, and an operation begins, that association will be out of your net. Therefore, I have suggested that you qualify "person" with two words, corporate or incorporate. If you want to throw your net wide, let it be laid wide enough so that no person is allowed to go out of it.

These are the points that I wanted to bring to the notice o' the Law Minister. I accept this clause as an abundant caution. That is necessary because, although the Supreme Court has said that "restraint" can amount to obliteration, they are in a doubtful mood. You assume powers by all

means. But when you assume powers, for heavens' sake, assume powers in an effective manner. Let it not be done in a manner where the real fish, the corporate associations, and panels religious sects go out of your net. A religious sect, like, the Anand Marg, will be out of it. I am not meaning the real religious sects. I mean the organisations which are masquerading as religious sects will be out of it. Articles 25 and 26 will still be available to them. You have not taken protection against the articles which are really relevant as far as this particular thing is concerned. Only innocuous articles are cited. The real ones which should have been cited have not been cited. You could even assume powers to prohibit any association in the interest of sovereignty, integrity, public order, morality or for whatsoever things you want. That would have been an effective thing to do.

These are the points that I wanted the hon. Minister to consider.

SHRI S. N. MISRA (Kannauj): Mr. Deputy-Speaker, Sir, I have heard that there is a lot of agitation on the point that clause 5 is likely to create a lot of apprehension in the minds of the people and that, with the experience we have at present of the Maintenance of Internal Security Act, it is likely that after these provisions have become part of the Constitution, these can be much better abused against citizens and, therefore, it is necessary that there must be a safeguard against them.

There has been a disclosure just made by the speaker who preceded me that this matter of clause 5 was never be'ore the Swaran Singh Committee. It, therefore, indicates the intention of bringing this into the Constitution by the persons who are called bureaucrats who may have probably helped in making up and

coming to this conclusion that they should have a greater hand and a sway over the people. I understand that even before the Independence, during the British regime, when we were slaves, such provisions of excluding the scrutiny by the court were never made. If I am wrong, I will welcome anyone pointing it out to me that any such provision existed during the time of the British regime. Even during the period when we were slaves, such provisions were not made. It cannot be said that the executive or the Government is always right; it cannot be said that every action taken by them is always correct. Therefore, I have proposed a safeguard against anything that may be done improperly or illegally intentionally or unintentionally. Every citizen must be protected in an independent country. I have therefore moved that a provision should be made that:

"no law shall be made excluding in any manner the jurisdiction of the High Courts and the Supreme Court from examining the basis and the grounds by which the personal liberty of any citizen is taken away and no citizen shall be ever deprived in any manner of approaching the High Court and the Supreme Court and the examination by such courts of validity, propriety or justification of any order and granting appropriate relief to the citizens".

We don't know whether they are acting correctly. If *bonafide* orders are passed, when the Government should not be afraid of any scrutiny. But it appears they are out to pass an order again that an examination by the appropriate authority or the courts is banned. Some may be protected today, after the clause has gone into the Constitution and, tomorrow, somebody else may be protected. Therefore I have moved this Amendment so that every citizen of the country can be protected.

MR. DEPUTY-SPEAKER: You are only making your observations; you are not moving the Amendment.

SHRI O. V. ALAGESAN (Tiruttani): I thank you for allowing us to explain our view points though you have prohibited us from moving the Amendments. I am one of those who heartily welcome this Clause. There is no other State in India except Tamil Nadu where there is a political party with the avowed objective of secession or separation from the mainland and dismemberment of the country. Now that party has formally disowned that objective, but I am trying to submit that they still continue to act in furtherance of the objective openly and also clandestinely. That is the reason why I welcome this prohibition of anti-national activity and also the prohibition of the formation of anti-national Associations. At the same time, I am quite clear in my mind if there are any apprehensions in the minds of our friends and colleagues in this House, the Members of the Communist Party of India that the language employed in this Clause does not expressly exclude 'lawful political activity and legitimate' trade-union activity', then I feel that these apprehensions and fears should be squarely removed. In fact, that was the object of my two Amendments. It is one thing to try to employ violent means and ask legislators to resign and it is another thing to function in a normal political way and try to change the Government of the day by means of the ballot-box. There should be absolute freedom guaranteed; and not only should freedom be guaranteed but there should be every facility provided to see that we do not place any obstacles in the way of normal lawful, legitimate political activity which seeks to serve the country according to its own ideals and which seeks to replace the Government of the day in a peaceful manner by means of the ballot-box.

Similarly, as regards trade-union activity, we should make our stand

[Shri O. V. Alagesan]

quite clear and beyond any doubt. I can say here that the last Railway strike can, by no stretch of imagination, be described as a legitimate trade-union activity. It was an activity which exploited the working classes in this country for certain persons' own political ends and it does not fall within the scope of normal trade-union activity. But there are activities which are legitimate trade union activities and those who are engaged in the trade union field may feel that the provisions in this Clause may come in their way. Therefore, this should be explained to them properly or it should be so expressly provided in this Clause that we do not intend to come in the way of such activities. This is the object of my amendment. Either by a separate amendment or otherwise, I hope, the hon. Mover of this Bill will pay attention to this.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta South): Since I cannot move my amendment now I can only express my views. During the general discussion on this Bill, I have tried to express my views to the Law Minister. I hope, he will consider this matter.

While we adopt this view in the Constitution about 'anti-national activities' we must make it very clear to the people of this country as well as to the world what we mean by 'anti-national activity'. Though our Law Minister, in his speech, has tried to make it clear twice—he had said very clearly what are the features of anti-national activities and he had tried to incorporate a few of them in the Constitution—I do sincerely feel that we have to examine this from the concept of the Preamble. The moment we have included in the Preamble the concept of socialism as a guideline to the entire Constitution and the country, the moment the concept of socialism is adopted, the country is no more supposed to be controlled or guided by

any political party or group; the nation as a whole is committed to this stand for socialism to this concept of socialism; socialism is no more a slogan of the Congress Party or the Communists; it is no more a monopolistic, theoretical conception of a group or individual, it is the desire and demand of the whole nation, from Kashmir to Cape Comorin. We have to implement it step by step, we have to implement ultimately our socio-economic programme. Every now and then, by stating clearly our position in our Constitution, we can overcome the possible difficulties in achieving socialism. But what about the genuine enemies of socialism, those who preach against the concept of socialism? If anybody propagates something against the concept of socialism, if anybody preaches anything against the concept of socialism, if anybody organizes something to motivate the people against the concept of socialism, then that activity should be treated as an anti-national activity. At present in the country the larger mass media, the newspapers, etc., are controlled by the monopoly houses. The Chambers of Commerce in South, East, North and West are dominating the trade and commerce of this country. The Rotary Club and the Lions Club have a tremendous influence over the mass intelligentsia of the country. Whatever may be their character, whether right or left, that is not important. But what is important is this. Suppose tomorrow the Indian Express or the Hindustan Times management, after this Constitution Amendment is adopted, tries to publish a series of articles to justify to the people of this country why socialism should not be accepted in this country, then that should be considered as an anti-national activity because the nation as a whole is already committed to the concept of socialism. Therefore, any association or group or individual, who collectively or individually try to preach against socialism—if somebody says that this is not what is meant by the concept of socialism, what is meant by socialism is this and all that, I do

not mind—who tries to defy the concept of socialism, who tries to preach exploitation and defend it, that should be treated as an anti-national activity. This was the main thing that I wanted to point out.

During the agitation in 1974 by the right reactionary forces and in 1969 in West Bengal in the naxalite agitation, the constant propaganda and provocation in this country came from two sides: from 1967 to 1970 it was Radio Peking. From 1972 onwards, it is the Voice of America.

It has been found that certain groups of young people collected ammunitions and arms and the Government did not know about that; the Government intelligence failed in this respect. And when the Government discovered it, they simply put them under the normal laws of the land.

During the agitation of Shri Jayaparkash Narayan, we have found that huge amounts of foreign money came in Gandhi Peace Foundation and other trusts and societies without the knowledge of Government. A few trusts are there still in the country which operate on different scales without the knowledge of the Government. Shri Brahmananda Reddy stated in this House that he had got some information and was trying to get more. But what is it that you do after getting the information, and what action will you take? According to the normal law of the land, they will be dealt with and they will have to go through so many processes and ultimately the result is that they are not punished. Their roots and branches are not root'd out.

Prof. H. N. Mukerjee during his speech the other day cited one Mr. J. Kumar; I do not know, whether he is an Indian citizen, or whether he is an immigrant. He has formed a group in Washington, Indian Democratic Group. Some 'X' or 'Y'

sitting in London, having gone for his scholarship, has formed a group, India Harmony Society. Another gentleman has formed a group in West Germany called the Indian National Club. They invite people and it has been found that during crisis in our country, they project the views which are not only against a particular Party, but against the nation and democratic spirit of the country. These groups and individuals have their subsidiaries and branches and these are allowed to function and they are not covered under anti-national activities; they are not treated as anti-national. I do not know, what else is anti-national, if not this.

You cannot touch International Krishna Consciousness Society of Calcutta in the name of religion. They will say that they have the right to preach and worship, but in actual practice, they are not doing that. During J.P.'s visits to Calcutta, Shri Jayaparkash Narayan first got the consciousness from the International Krishna Consciousness Society and then gave the consciousness to the people. Similarly, at Mount Abu there is the Prajapita Brahmakumari, Ishwarya Vishwavidaylya. Thousands and thousands of girls with white sarees say that they are there to worship the goddess. But what are the facts? In the 1969 report of the CIA, it has been mentioned that these are the subsidiaries of CIA. Some Yogi becomes a Sadhu and Mahatma of India and forms a club in West Germany and from there, he sends a message to Indian people: Save the democracy, destroy Shrimati Indira Gandhi and remove her from the power. I am not saying all this, because Congress Party is the ruling party; I am talking for the future of this country. Any trust or group or any individual of India, who has branches in India and outside without the knowledge of the Government and gets financial support here or there, should be treated an anti-national and should be dealt with accordingly. All these groups and

[Shri Priya Ranjan Das Munsi]

persons should be treated as anti-national and this should be incorporated in the Constitution. I sincerely feel that the Law Minister will give further thought to this matter taking into account my views in this respect.

So far as the trade union activities are concerned, it has been pointed out rightly yesterday by the Prime Minister that under the cover of trade union activities, some individuals in the country are indulging in anti-national activities. It has been proved to be correct. In a democracy, it is the views of the majority that take precedence over the views of minority. It has been proved that in our country, a large number of working class people do not support the right reactionary forces, but they support the progressive forces and they have supported the emergency. They are loyal to the country. We have to keep their views in our minds. We have got mixed economy, the private sector and the public sector in our country. Knowing the motives of the private sector and the monopoly houses, it would be wise for us not to fall into their trap. If the monopoly houses indulge in activities which are against the interest of the nation, that should also be included within the scope of anti-national activities and dealt with accordingly.

I would appeal to the hon. Law Minister to consider these points.

श्री सरकार पर्दे (गाजीपुर) : अनुच्छेद 5 में हमारे संशोधन 449, 450 और 451 हैं। बहुत से माननीय सदस्यों ने इस और संकेत किया है कि एन्टीनेशनल का जो कलाज जोड़ा गया है वह इसका बहुत अधिक दुरुपयोग होगा। हमारा तजुर्बा भी यही है। कई सदस्यों ने बताया है कि अभी अभी हमारे विद्यायक को गिरफ्तार कर लिया गया था उत्तर प्रदेश में क्यों कि उन्होंने यह भाषण

दिया था कहीं पर कि हमारे देश में कुछ ऐसी शक्तियां हैं जो उसी तरह का काम करना चाहती हैं जैसा शेख मुजीबुर्रहमान के साथ हुआ है। सी०आर०डी० बालोंने लिखा कि उनका भाषण यह था कि इन्दिरा गांधी का भी वही हाल होगा जो शेख मुजीबुर्रहमान का बंगला देश में हुआ है। इस आरोप में उन बेचारों को पकड़ लिया गया और जेल में बन्द कर दिया गया। कुछ उनकी सुनवाई नहीं हुई। इसी तरह से अगर आप देखें तो आपको पता चलेगा कि एन्टी नैशनल एवं विटीज को इसमें डिफ़ाइन किया गया है। इसको आप पढ़ेंगे तो आपको पता चलेगा कि कितने अधिक अधिकार व्यू क्रेसी को इस में दिए गए हैं। इन अधिकारों का वे दुरुपयोग करेंगे यह जाहिर बात है। हम कानून बनाते हैं लेकिन उन को लागू करने की जिम्मेदारी उन लोगों पर है जो विल्कुल इन चीजों से परे होते हैं। इस में लिखा गया है कि जो विधि द्वारा स्थापित सरकार को उलटने के लिए आशयित है या किसी ऐसी स्कीम का भाग है जो ऐसी सरकार को उलटने के लिए आशयित है। इसका साफ़ मतलब यह है कि किसी अधिकारी को ऐसा विश्वास हो जाए कि हम कोई मीठाया सभा कर रहे हैं और उसको आशंका है कि ये सरकार को उलटना चाहते हैं तो वह जेल में बन्द कर सकता है। आन्तरिक उपद्रव के बारे में भी इस में कहा गया है। जो आन्तरिक उपद्रव करने या लोक सेवाओं को विच्छिन्न करने के लिए आशयित है या किसी ऐसी स्कीम का भाग है जो इस प्रकार उपद्रव करने या विच्छिन्न करने के लिए आशयित है। उस अधिकारी को केवल सम्भावना मात्र हो, यह नहीं कि उसने चेटा की हो और तब यह सम्भावना पैदा हुई हो, वह उसको जेल में डाल सकता है। इसके बाद अगर आप देखें तो यह लिखा हुआ है कि विभिन्न धर्मों, मूल वंशों, भाषाओं या प्रदेशों के समूदों या जातियों या समुदायों के बीच सोहाद को संबंधापन्न करने के लिए या विच्छिन्न करने के लिए

आशयित है या किसी ऐसी स्कीम का भाग है जो इत प्रकार संकटापन करने या विच्छिन्न करने के लिये आशयित है। अब आप फर्ज करें कि किसी पूँजीपति के खिलाफ हम बोल रहे हैं, उसके द्वारा किए गए अत्याचारों के खिलाफ हम बोल रहे हैं तो सरकारी अधिकारी हम को इस धारा में बन्द कर सकता है। पिछली बार जब मीसां एक्ट बना था तब मन्त्री महोदय ने आश्वासन दिया था कि इसका दुरुपयोग नहीं होगा, डी०आई०आर बना था तब आश्वासन दिया गया था कि उसका दुरुपयोग नहीं होगा, उसका बेजा इस्तेमाल नहीं होगा लेकिन हमारे मुल्क की जो स्थिति है, जैसी व्युरोकेसी हमारे देश की है यह पक्की बात है कि वह इसका दुरुपयोग करेगी। कई माननीय सदस्यों ने कहा है कि मुसलमानों के विरुद्ध इसका इस्तेमाल नियन्त्रित रूप सेकिया जाएगा। आप नसबन्दी के मार्मांकों के लिए

देश में बिलकुल झूठा प्रचार किया जा रहा है कि मुसलमान नसबन्दी के खिलाफ हैं। हकीकत यह है कि क्योंकि हम भी मुसलमानों में रहते हैं, जो कोशर्वान हैं उसके खिलाफ हर कोई है, सरकार भी है। लेकिन अभी मुजफ्फरनगर में क्या हुआ है। उस दिन यहां पर बताया गया था कि चालीस आदिमियों को वहां जान से मार दिया गया है। वहां के कलैक्टर ने खुले आग एलान किया था कि मुसलमान नसबन्दी के विरोधी हैं इनको मार दो। डी०ए०म० के एलान के बाद वहां मस्जिद में गोली चलाई गई और चालीस व्यक्तियों को जान से मार दिया गया, उनको गोली से उड़ा दिया गया। कुछ दल और व्यक्ति हैं जो यह भ्रामक प्रचार करते हैं कि मुसलमान नसबन्दी के खिलाफ हैं। अधिकारीगण बुरी तरह से इस तरह की बातों को लेकर, जो बातें जन संघ या उन से मिलते जुलते लोगों द्वारा प्रभम पैदा करने के लिए कही जा रही हैं, अपने अधिकारों का दुरुपयोग कर रहे हैं।

उपाध्यक्ष जी, हम पूर्वी उत्तरप्रदेश से आते हैं। अगर वहां के लोग कहते हैं कि हम पिछड़े दूए हैं, और हमारे यहा उद्योग धन्वे लगने चाहिये, और इसके लिये वह आन्दोलन या एजेंटेशन करते हैं, तो उन पर यह आरोप लगाया जाता है कि आप एन्टी नेशनल काम कर रहे हैं और उनको इस तरह से बन्द किया जा सकता है। वह लोग सभा नहीं कर सकते हैं, ऐलान नहीं कर सकते हैं। संविधान इसलिए बनाया जा रहा है कि हिन्दुस्तान में आमूल परिवर्तन हो, हमारे दल ने इसका समर्थन भी किया है। लेकिन इसमें आमूल परिवर्तन क्या होगा, इसका उल्टा परिवर्तन होने वाला है। तमाम तरह के कार्यकलायों को बन्द करने की बात होगी। ऐसे लोगों को राष्ट्रीय सरकार का विरोधी बताया जाता है। कांग्रेस सरकार ही राष्ट्र नहीं है, राष्ट्र तो पूरा देश है। अगर कोई आदमी सरकार के विरुद्ध बात करता है तो वहां के अधिकारी अर्थ लगते हैं कि वह राष्ट्र विरोधी है उसको कैसे रोका जा सकता है! जो संघीयता इसमें दिये गये हैं, इसमें कहा गया है कि उनको स्वीकार करना चाहिये।

कई माननीय सदस्यों ने कहा है कि कानून हमारे पास है, पहले से भी है। जहां तक एन्टी नेशनल लोगों को गिरफ्तार करने की बात है जो सरकारी सम्पत्ति को नुकसान पहुंचाते हैं उनके लिये कानून पहले से थे और अभी भी हैं। संविधान में नई तबदीली करने जा रहे हैं यह कह रहे हैं कि समाजवाद लाने जा रहे हैं। कल ही एक माननीय सदस्य कह रहे थे कि समाजवाद लक्ज जो लिखा गया है लेकिन समाजवाद कहा लायेगे, यह नहीं है। यह बात कांग्रेस के सदस्य श्री विनूरी भिश्व ने कही थी। यह बात सही है कि समाजवाद लाने जा रहे हैं, लेकिन हम देख रहे हैं कि समाजवाद के नाम पर जो हो रहा है उससे सारे देश के गरीब मजदूर लोग मिल कर सारे राज्यों में भीटिंग भी नहीं कर सकते हैं। अगर यह भी कहा जाता है कि हम 20 सूत्री कार्यक्रम के इम्पीलीमेंटेशन के लिये भीटिंग कर

[श्री सरदू पांडे]

रहे हैं तो मुझे मालूम है कि बिहार में कई प्रीटिंग नहीं हो सकती हैं।

हम लोगों ने कहा कि किसानों पर टक्स बढ़ गये हैं, बिजली के चार्जेज हाई हो गये हैं और दूसरी चीजों की कीमतें बढ़ गई हैं, तो पटना सरकार ने क्या किया कि एसेंशियल कमेंटीज के दाम कम हो गये हैं, कर्मचारियों को जो मंहगाई भत्ता दिया जा रहा था, वह कम हो गया। लेकिन आप मार्केट में देखे कि कड़वा तेल भी बिल्कुल नहीं है, सैकड़ों लोगों की लाइन लगती है। मगर इस तरह की बातें की जाती हैं।

मेरा निवेदन है कि मंत्री जी इसको सोचें, हम सब लोग आपके समर्थन में हैं, हमारा नॉलिटिकल विरोध नहीं है कि आप ऐसा क्यों कर रहे हैं, लेकिन हमको खुद इस बात का पता है कि इस धारा का मुख्य रूप से मैंजोरिटी के खिलाफ इस्तेमाल होगा और हम लोगों के खिलाफ भी इस्तेमाल होगा, क्योंकि हम मानेंगे नहीं, अपनी बात कहें, गरीबों की बात कहें और आप हमें बंद करेंगे और कहें कि एन्टी नेशनल एक्टिविटि में हिस्सा ले रहे हैं।

आपको मैं एक बात बतलाऊं। एक मिट्टिंग में तक तीर हो रही थीं, वहां पर शहर की सी० आई० डी० भी थी। किसी ने कहा कि “बम महादेव”, लेकिन सी० आई० डी० ने नोट किया कि “बम मार दे”। जब मामला आये गया तो जज साहब ने कहा कि हम मैरिट डिस्कंस नहीं कर सकते। हम तो यह देख सकते हैं कि कानूनी गिरफ्तारी ठीक से हाई है या नहीं। उस व्यक्ति को जेलबाने में एक साल पड़े रहना पड़ा। तो यह काफी बेग है, उसके कई अर्थ लगाये जा सकते हैं। इसलिये इसको बापस ले लें ताकि लोगों के मन में आस्था पैदा हो कि सही मायने में हमारा संविधान बना है और वह देश के लिये बन रहा है।

SHRI H. R. GOKHALE: Mr. Deputy Speaker, there has been a good deal of discussion on this clause. I do not think it is necessary to deal with each amendment separately. Many of the points which have been raised are common. Some of them are legal objections and I shall try to deal with them.

There have been three kinds of views.

15.35 hrs.

[SHRI BHAGWAT JHA AZAD in the Chair]

One view is that this should not be there at all. The other view is that this should be there but the wording should be loose. It should not be tight. I do not think that any of these is necessary because, according to me, the provision takes care of the situation that is likely to arise. And that is likely to be met by a provisions of this type.

Of course, my friend Shri Dhote said that Government is becoming fascist. If it does that, the only thing I wish to remind him is that most of the organisations, when we are talking about a clause like this, are really not only fascist organisations but they are ultra-fascist organisation also. It is known who they are and what their methods are and what connections these fascist bodies have. Yesterday it was said by our Prime Minister that some of these organisations like the R.S.S. have their foot-hold in the countries abroad. They are not only having organisational connections but they are having financial support or financial implications. Therefore, it is absolutely putting the whole thing in the wrong perspective to say that Government want to seize fascist powers. The primary intention of this particular provision is to deal with the fascist organisations which are trying to over-throw an orderly Government, the constitutional development of democracy in this country.

Let this be understood very clearly. It was said here that some of the clauses are such as are according to some hon. Members, so widely worded that all types of activities, even legitimate activities, can be covered by that provision, and therefore, it is a very dangerous thing. I want to mention what I have already mentioned in the morning while discussing these things that this by itself does not give any authority or power to Government to act. As soon as this is passed at the end of this session here and in the Rajya Sabha and go through the requirements like the ratification and the assent of the President, the Government will not have the power to say that so and so organisation is anti-national. This is only a provision in the Constitution which enables the Government to do a certain thing by law. So, the actual implication of what sort of activities would be covered by this will be known only when Parliament passes this law after due consideration of it. Many of the fears are premature—they may be genuine but they are premature in the sense that when this comes up for discussions, it will be open for anybody to say what he want to say. I can only say that we do not go beyond the scope of this provision. It will not hit the genuine and legitimate activities. As stated by the Prime Minister yesterday and also by myself this morning—I am repeating that here—there is a lot of genuine misapprehension about this provision being used with regard to the trade union organisations which function for the rights and for the defence of the workers' rights. To my mind it is absolutely clear that a law like this whenever made, will not be for suppressing the genuine trade union activities. This assurance will be given at the highest level. *

So far as Government is concerned—I repeat it—when the law comes into force, we will be able to consider whether any such express provision is necessary so as to provide for any specific safeguard to see that not such genuine activity is brought in within the ambit of this clause.

The third thing is that there is likely to be misuse or abuse. As I said earlier, there can be abuse in respect of any provision. I am not saying that in this country at some level or other no abuse ever takes place. It is a wrong claim, if it is made. But if abuse takes place, according to me, the proper thing to do is to control it by public opinion which this Parliament and which other authorities can exercise both on the authorities which abuse the power or on the authorities which are likely to abuse the power. But the mere fact that there is possibility of some abuse here or there does not mean that the law or the provision is inherently bad. Moreover, it is possible that even with regard to possible abuse which may take place, it can be that we can put in some safeguards in the law which will be made. Somebody referred to the existing provision for tribunal in the Prevention of Unlawful Activities Act. I know it is there. Therefore, the view that such a tribunal may be there is also a matter for consideration, and it is open for consideration when the law giving effect to this provision is passed. It is not ruled out. That is all I can say.

Now there is the fear that if a strike takes place or if some violence takes place in some factory here or there, that can be dealt with under this clause. I think it is not justified at all because, first of all, the power to declare a certain organisation or the members thereof as belonging to an anti-national organisation is vested only with the Central Government and no one else. Therefore, I do not expect that any government which is responsible to the people will go to the extent that this law will be intended to meet such a normal, ordinary situation which may arise which, I know, is part of legitimate trade union activity. So this fear also, to my mind, is not justified.

Reference was made to the question of minorities again. I am sure it was not suggested that minorities can indulge in anti-national activities. That

[Shri H. R. Gokhale]

SHRI EBRAHIM SULAIMAN
SAIT: What about the existing Act?

is not the argument. The whole argument is that it is possible that if a law of this type is made, then the minority rights will be affected. It was not clarified how. The whole question is this. Whether it is the majority or minority, if it is an anti-national activity, it is an anti-national activity. I do not think that in respect of minority institutions or organisations, merely because they are minorities, if the activities or the functioning of these organisations stand the test of being anti-national, merely because the minority institutions are likely to be affected, therefore, the anti-national activities should not be curbed. But if there is any fear that any legitimate activity by minorities or enforcement of their rights under the Constitution or elsewhere, for example, the forming of political organisations or trade union organisations or religious bodies for that matter or anything of that type will be affected because this law may come in the way, I think there should be no apprehension on that score.

SHRI BHOGENDRA JHA (Jaipur): Why cannot this assurance be incorporated in the amendment itself, that legitimate trade union activity or political opposition will not be dealt with under this?

SHRI H. R. GOKHALE: These assurance are not incorporated in the Act. Moreover, if they are to be incorporated, it can be done by incorporating proper safeguards by making appropriate provision in the law which will be passed. That is what I say. Not that it will not be done. It can be done. It is open for consideration. I myself would say that when the law is framed, all these things should be taken into consideration, not only in respect of minorities also in respect of trade unions and such other legitimate, normal, legally-functioning bodies.

SHRI H. R. GOKHALE: That Act continues until such time as a law under this is framed. It is not repealed. It can be repealed. For example, repeal might operate on what we call the theory of implied repeal. I do not need to go into that question. But as it stands today, it continues until a law is framed by Parliament.

SHRI JAMBUWANT DHOTE: What about the Defence of India Rules?

SHRI H. R. GOKHALE: They have nothing to do with this. First of all, they are a temporary measure, as long as the threat to the deference of India is there, where an emergency or such other situation is there. The second thing is that the Defence of India Rules themselves do not enable Government to make the kind of declaration or take the kind of action which may be taken if a law under this is passed. I am not suggesting that so many organisations are immediately going to be banned when a law is passed. But may be that the activities of some are such that we have to seriously consider whether they should be allowed to function in this country or not. Reference was made to the Anand Margis; reference was made to the RSS by the Prime Minister yesterday and by some other persons here. I do not know what should be done. But it is possible; there is already reason for considering whether such a ban should be imposed on those organisations . . . (Interruptions). Ban is already there; we are in an emergency, under special laws. We cannot allow them to function even in normal times.

SHRI C. M. STEPHEN: What is the difficulty in assuming power for prohibiting organisations straight-away?

DR. RANEN SEN: You referred to banning organisations indulging in unlawful activities. Who is going to determine whether it is an unlawful activity or not?

SHRI H. R. GOKHALE: I think I made it clear. When the law will be passed, criteria, guidelines, safeguards and other things will go into the making of that law; it will be considered by Parliament and passed by it; if there is a tribunal it will be subject to the supervision of the tribunal; if there is no tribunal, I am not quite sure, a high enough authority not lower than the central government will be there. I cannot anticipate anything; I am visualising that this is the only reasonable thing possible. That a collector or some other petty officer will be entitled or enabled to declare an organisation as a whole or activity as a whole anti social is absolutely not possible and not feasible and it should not be done.

SHRI INDRAJIT GUPTA: He can declare an individual to be anti-national.

SHRI H. R. GOKHALE: He cannot, unless he belongs to an organisation carrying on activities of that nature, not just an individual like that. You are not connected with RSS; your activity cannot be declared as anti-national.

SHRI INDRAJIT GUPTA: It distinguishes between association and individual.

SHRI H. R. GOKHALE: Engaged in those activities.

SHRI INDRAJIT GUPTA: It does not follow that the individual must be a member of an association.

SHRI H. R. GOKHALE: The law will lay down what. But I cannot anticipate; if I anticipate I am not only anticipating government; I am

anticipating Parliament and it is not right for me to do so. Ultimately it is Parliament which will say yes or no, with or without modifications when later on legislation is brought before the House and at that time all those questions are open for consideration.

Now, Mr. Stephen asked: why it cannot be done? He was good enough to give me his points and although, not a lengthy discussion, a brief discussion took place. He asked: why is it not possible to do it under the existing provisions of the Constitution? The point is we have been examining this very carefully and we find that there are dangers in making a law of that type without proper parliamentary constitutional authorisation. It is only after that it could be done and we have come to the conclusion that it is necessary with regard to reasonable restriction or even where, as he has stated in some cases, there is complete prohibition, the prohibition has to be shown to be reasonable. First of all, look at the whole policy which we have been pursuing in a matter like this. Not legal considerations alone are involved; considerations of the safety and security of society and of the state are involved; a number of matters not political in the sense of partisan political considerations but political considerations in the broadest sense are involved and normal judicial forums are not fit to decide those matters; to leave it to them to decide whether certain restrictions of this type are reasonable or not is to my mind not only dangerous but also undesirable. It is possible that some kind of a tribunal which does not get hedged in by technicalities of law and which can also consider whether an activity should be declared illegal or not or if it had been declared illegal whether such declaration should stand or not, as in the present Act, is a matter one could consider. I cannot say anything now; I cannot anticipate anything on that.

[Shri H. R. Gokhale]

subject. I personally looked into the existing position; it was so unsatisfactory. It was not only article 19 which was involved. I do not want to go into an elaborate discussion of the legal position. So many other provisions of the Constitution are involved and there is very grave risk of a law like this being struck down by the courts and we will be without any legitimate weapon to deal with those organisations until another legislative action is undertaken and the whole thing is set right and a constitutional amendment is made. Therefore, I do not think that there is in the existing provision a safe enough guarantee that if you do something like this, it will be held to be constitutional.

Then his argument was, "You have only said articles 19, 31 and 14. Why not the entire Part III?" The first answer is, it is not necessary that entire Part III is to be excluded. What was said was that there are organisations like the Anand Marg which have been functioning under the garb of being religious bodies and they will take recourse to articles 25 and 26 and say, "You cannot do anything to me because my right is under articles 25 and 26 and not under articles 14 or 19." Just because of one organisation, whether it is desirable to have a law having a broad sweep so as to cover all religious rights or not is one thing. Secondly, even articles 25 and 26 will not be a bar because both of them begin with the words "Subject to public order, morality and health...." We are not concerned with morality and health now. This right is capable of being exercised subject to public order. It is essentially a provision for maintaining public order when we deal with violence, anti-national activities etc. Therefore, articles 25 and 26 will not to my mind detract from the proper operation of this law when it is passed.

SHRI C. M. STEPHEN: Article 19(4) also says:

"Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes or prevent the State from making any law imposing, in the interests of public order and morality...." etc.

So, the right to form associations is also restricted and subject to the same condition of public order, morality, etc. The conditions are the same in both cases.

SHRI H. R. GOKHALE: I was answering your argument that organisations like Anand Marg, which have a colour of being religious, might take shelter under articles 25 and 26. I said, just for one organisation, to have a broad law covering all religious organisations may not be a desirable thing to do politically and otherwise also. That was a political argument. Then, according to me, enough care is taken in articles 25 and 26 themselves. Then he asked, why put in article 31 also and not only 19? Article 19 also includes property but article 31 is more specific. When we deal such organisations, the backbone of their strength is property whether in the form of money or in any other form. If the law has no power to deal with this property aspect of these organisations, the law is more likely to be ineffectual than not. Therefore, as an abundant caution, when you make a law, you should also have the power to deal with the property of anti-national organisations. In any case, it will not detract from the main intention. I am sure Mr. Stephen is not speaking in favour of these organisations. He is saying that you should make it so tight that there should be no loophole. If that is the object, putting in article 31 is a safeguard. Then my friend said that we should not only say 'anti-national' but we should say 'anti-social' Samaj Virodhi. Actually whether Samaj Virodhi will mean anti-national or not, I do not know

because there are anti-social organisations and there are anti-social activities and it is difficult to say what is anti-social. There can be a wide difference of opinion.

SHRI INDRAMIT GUPTA: Then all the big business houses will come in.

SHRI H. R. GOKHALE: They may come or they may not come but some people say that they will not. I do not know. But the point is that we are dealing with a big national problem and not a periphery of it in a small way. Therefore, in dealing with the problem, we are really taking a step forward by dealing with the anti-national activities.

DR. KAILAS: What about 31E?

SHRI H. R. GOKHALE: We are already having 31. In fact, we have a blanket power to deal with the properties of these anti-national organisations. As a speaking point, it was all right; you have given an amendment and you have spoken on it. But the main thing is that it does not come here in the amendment.

श्री शंकर दयाल सिंह : हम लोगों की एक दिक्कत यह होती है कि हम हिन्दी में पढ़ते हैं और हिन्दी में ही बोलते हैं। पता नहीं कि जिस ढंग की हम हिन्दी बोलते हैं उस को मंत्री जी समझ पाते हैं या नहीं ?

श्री एच० प्रार० गोखले : समझ पाते हैं।

श्री शंकर दयाल सिंह : इतना ही हम चाहते हैं कि हिन्दी समझ ले तो हमारा काम चल जाये और कुछ नहीं कहते। अब जैसा आपने कहा कि 'राष्ट्र' और 'समाज' को आप एक पैमाने पर नहीं रख सकते। भेरा कहना यह है कि जो व्यक्ति समाज विरोधी कार्य करता है वह यह नहीं कह सकता कि मैं राष्ट्र विरोधी कार्य

नहीं कर रहा हूँ लेकिन समाज विरोधी जो काम करता है वह राष्ट्र विरोधी काम के समान ही है क्योंकि वह समाज को कुत्सित करता है। सलिये मैंने आनन्द मार्ग का नाम लिया था। अब अगर कोई आनन्द मार्ग यह कहे कि हम यह काम कर रहे हैं फलां काम कर रहे हैं और ये काम राष्ट्रविरोधी काम नहीं है, तो ऐसी बात नहीं है। वह जो काम कर रहा है वह सामाजिक अपराध कर रहा है, समाजविरोधी काम कर रहा है। वह अपराध समाज को गुमराह करने का काम है।

१ दूसरा निवेदन मैं ने यह किया था कि राष्ट्र विरोधी काम में कोई किसी प्रकार की सहायता दे, तो उस को भी राष्ट्र विरोधी कार्य समझना चाहिये। इस के बारे में भी मैं ने कहा था।

श्री एच० प्रार० गोखले : ठीक है, आप ने जो बताया था, उस को मैं ने ठीक प्रकार से सुने और समझने की कोशिश की थी और मैं ने यह भी कहा था कि अभी जो हमारा विल है उस का जो स्कोप है, उस को देखते हुए जो राष्ट्र विरोधी संस्था है, उस को दबाने का हमारा खास उद्देश्य है। समाज विरोधी बारों के बारे में जो आप ने कहा है, जब आवश्यकता होगी, तब देखेंगे।

I think Mr. Suleman Sait has said about Article 14. The same argument which I gave with reference to other three Articles, would apply to this also because the first attack which will come from you in the absence of this Article would be that it is discriminatory, violative of the Principle of Equality before law and so on and so forth. It has to be conceded that minorities also have no vested right or any kind of right to do anti-national activities and, therefore, anti-national activities have to be curbed wherever they are. whether minorities are involved or not. That is the basic approach of the whole problem.

SHRI S. N. MISRA: I have given an amendment that when the liberty of a person is concerned, it should be tested by the court. I have not got any reply to that.

SHRI H. R. GOKHALE: We are not going with the liberty of the person but we are going with the licence. The people who would behave in this way, in anti-national manner and talk in the name of liberty, we will have to deal with them differently. (Interruptions) I think, I did say earlier that when the Bill is passed, at that time, all these matters—what should the mechanism, whether there should be a tribunal or not, what should be the safeguards, whether it should be justiciable or not—will be taken into consideration. This new suggestion does not make it non-justiciable. It says that notwithstanding anything contained in Articles 14, 19 and 31, they cannot be challenged, after the new amendment is there. But if a law is made, one can imagine that some challenge can be there. Certainly, no reliance can be had on Articles 14, 19 and 31. But it does not mean that there is no recourse to justice open anywhere. But we should consider it when the law is passed.

16 hrs.

In fact, in the beginning I felt that the argument was quite attractive; but when I thought over it a litt'e, I found that if we do what he suggests, it will perhaps tighten the application of the Act. It was thought only in respect of (Interruptions) "which disclaims, questions threatens, disrupts". When a disclaimer is made, no doubt it applies; but not when there is a mere intention to disclaim, but no disclaimer or disruption has taken place. It is like a preparation for committing an offence and not like the committing of an offence.

SHRI C. M. STEPHEN: You have dropped the word 'questions' also.

SHRI H. R. GOKHALE: The whole point is whether it app'ies to "intends to question" and "intends to disclaim".

SHRI C. M. STEPHEN: It is not so.

MR. CHAIRMAN: Mr. Stephen, you may not agree with the Minister. You have made your points. He is replying to you now.

SHRI H. R. GOKHALE: I have already replied. After considering all these things, if something is necessary, we will think about it.

SHRI C. M. STEPHEN: Now about the States jurisdiction, i.e. in regard to sub-clause (2).

SHRI H. R. GOKHALE: I had forgotten one point, viz. about law and order in the State. It is true that the State is not allowed to make a law with regard to this. Many people said that if we give it to the State, it might lead to a lot of difficulties. His point is different, viz. that the field of law and order applies, really to the State. First of all this is not intended to cover law and order, but organizations, a part of whose activities will have repercussions on law and order. But there may be other fields. It is much wider than what a State can do, without the power to enable the State to do it.

SHRI INDRAJIT GUPTA: After the clause is passed, will the States also have power to bring forward legislation?

SHRI H. R. GOKHALE: No. It is specifically stated here. I will read it:

"Notwithstanding anything in this Constitution. Parliament shall have, and the Legislature of a State shall not have..."

These are the words, May be I am wrong here and there. After considering everything, if anything is there, we can consider it.

Clause 6—(Insertion of new article 32A).

MR. CHAIRMAN: We can now go over to Clause 6.

SHRI BHOGENDRA JHA: I beg to move:

Page 3, line 14,—

add at the end—

“or unless any State law goes against any principle laid down in Part IV” (27).

MR. CHAIRMAN: Mr. Naik, are you moving your amendment No. 42?

SHRI B. V. NAIK: No, Sir. I am not moving.

SHRI BHOGENDRA JHA: I beg to move:

Page 3, line 14,—

add at the end—

“or unless any State law is deemed in effect to defeat the purposes of any of the principles laid down in Part IV” (82).

MR. CHAIRMAN: Mr. Stephen, are you not moving 106?

SHRI C. M. STEPHEN: Excuse me, Sir. I am not moving but I reserve my right to speak.

SHRI S. N. MISRA: I beg to move:

Page 3, line 14,—

add at the end—

“except when the matter is taken up in appeal to the Supreme Court” (171).

MR. CHAIRMAN: About 263, Mr. Shenoy is not present.

SHRI INDRAJIT GUPTA: I want to move my amendment. No. 452.

MR. CHAIRMAN: No. it can not be moved, because it is the same as Amendment No. 27.

SHRI K. MAYATHEVAR (Dindigul): I beg to move:

Page 3,—

after line 14, insert—

“Provided that the Supreme Court shall have a bench of its own at Madras to deal with such cases from the Southern States (i.e. Tamil Nadu, Kerala, Andhra Pradesh and Karnataka) in the interest of the public.” (554).

SHRI BHOGENDRA JHA: Clause 6 relates to article 32 of the Constitution. We are now adding article 32A, which reads:

“Notwithstanding any thing in article 32, the Supreme Court shall not consider the constitutional validity of any State law in any proceedings under that article unless the constitutional validity of any Central law is also in issue in such proceedings.”

I am not objecting to this. In a way, it is good because we have found in many States where State laws have been made, both the High Courts and the Supreme Court have nullified, invalidated or stayed the operation of those enactments. In a way, from the beginning of our Constitution we have faced such problem, such hurdles, and we have been attempting to overcome them through numerous amendments. Here I want to emphasize another aspect, which my amendment seeks to achieve. My amendment wants to add the words “or unless any State law goes against any principle laid down in Part IV”. We are now amending the Preamble and after its adoption India will be a Sovereign, Se-

[Shri Bhogendra Jha]

cular, Socialist Republic. So, from a capitalist democracy we are going to advance towards a Secular, Socialist democracy, which is a welcome thing.

But there is a great anomaly. Article 19(1) (f) still remains in Chapter III. So, while the human right is not fundamental, the right to property continues to be fundamental, because that is not being touched by this Bill. It remains untouched. Just now Shri Gokhale said that article 31 also protects the right to property. No property can be taken away except by the authority of law. I think in our present state of affairs, if article 31 is allowed to remain but article 19(1) (f) is deleted, there is no harm. By a suitable law it can be taken care of. But if it remains in the Chapter on Fundamental Rights, it will be a great anomaly. Chapter IV relating to the Directive Principles is non-enforceable up till now. Even after this Bill is passed, it is not sought to be remedied. Article 37 of Chapter IV clearly says:

"The provisions contained in this part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws."

So, as we are having a declaration of Fundamental Duties for the citizens, similarly, this is a fundamental duty for the State in the governance of the State. But the courts have been holding the view, in this background not wrongly, that these are not enforceable. Through this Bill we have declared that when the fundamental right to property comes in clash with the Directive Principles laid down in Part IV, then the Directive Principles should prevail over the Fundamental Right. It is a very welcome advance in a very welcome direction. But, neither in the Bill, nor in the Constitution, is there any attempt to enable the courts to help the courts by

making clear the intention to make advance in a progressive direction, to be helpful, to see that the directive principles are enforced. So, this is an enabling provision which I am trying to put in through my amendment, that if any State law goes in a direction opposite to that laid down by the Directive Principles, it can be challenged in the Supreme Court, because the Directive Principles are for the whole country.

For instance, recently the Bihar Legislature passed an amendment of the Land Tenancy Act by which a share-cropper owning over 100 hectares of land, including his personal land, will be deprived of the excess land, which goes against the Directive Principles and the policy of the Union Government. I hope the President will not give his assent to it.

The Prime Minister has been stating and very rightly, that when the DMK Government was in power, it refused to implement the 20-point programme, and that the Gujarat Government did the same thing. So, in such cases the people should have the right to move the court, but I find that it is not provided for either in the Constitution or this amending Bill. This will also help the Supreme Court to make a reorientation, and Government's policy and declaration will become more fruitful if this amendment is accepted. Otherwise, the anomaly of property right vis-à-vis the Directive Principles will remain. We have moved a similar amendment in respect of the High Court. I hope both of them will be accepted.

SHRI C. M. STEPHEN: I had given notice of an amendment which I consider to be very vital, and I would beseech the Law Minister to consider it. This is one of the amendments which have been given with a real sense of seriousness. I wanted to add the following at the end of the proposed article 32A:

"or call in question any law made under article 368"

The major problem with which we are grappling is to save the laws that we are passing under Article 368. Now the Supreme Court has said that the law passed under 368 is not a law contemplated under Article 13. To that extent, we have succeeded. Nevertheless, they have struck down the laws passed by this House even after we amended Article 368. By this clause we are putting an excluding clause from out of that area where the Supreme Court is now having jurisdiction under Article 32. We take out and mention a particular class and say that the Supreme Court shall not have jurisdiction with respect to that. The State law alone is mentioned. That means that rest of the laws will remain under the Supreme Court under Article 32. Let us remember that Article 32 itself is one of the fundamental rights guaranteed. It is granted as a fundamental right that recourse to the Supreme Court can be had for protecting the rights under Chapter III and the Supreme Court has been dealing with all such cases all along including the Constitution Amendment Bill also. Therefore, by way of abundant caution, I feel that it is absolutely necessary when excluding from the jurisdiction of the Supreme Court any class of cases, specific mention should be made of all cases that should stand excluded. Hereinafter, it can be argued that all class of cases except the State Laws continue to remain under the jurisdiction of the Supreme Court. I know that there can be an argument that Mr. Gokhale has moved another amendment that no amendment of this Constitution shall be called in question in any court. Therefore, he would say that it is covered and, therefore, it cannot be called in question at all. That can possibly be an argument that will be raised. My submission is that the argument is open to rebuttal in the light of the clauses as now framed. You may kindly read this and the proposed Article 131(a). It says:

"Notwithstanding anything contained in any other provision of

the Constitution, the Supreme Court shall have jurisdiction to determine all questions relating to the Constitution, validity of the central law."

Under 368 "notwithstanding any other provision of the Constitution" is not mentioned. Under this, it is stated "Notwithstanding anything contained in any part of the Constitution" which include article 368 also. Notwithstanding article 368 (A) which you are now proposing, article 131(a) says, "The Supreme Court shall have jurisdiction with respect to the central law." And you read that along with article 32 which gives sweeping jurisdictional coverage over all laws to the Supreme Court. Then from out of the whole class of laws which are within the jurisdiction of the Supreme Court, you take away the State law alone and leave behind the central law. (Interruptions).

By a comparison between article 131(a) and article 368(iv) which you are now proposing wherein you will find that article 131 prevails over article 368(iv), because article 131 is notwithstanding article 368(iv). That will leave the Constitution Amendment Acts under article 32. Why we should leave it in doubt? The whole exercise is to save that. Why not specifically say that? Why should it be left open to the Supreme Court to come in and handle it? I know that the argument can be, as I stated earlier, that the law has been defined as not to cover a constitutional amendment Act. Let me submit that nevertheless the Supreme Court has struck down two laws—24th and 25th amendments, although you have stated that they were not ordinary laws. On what ground did they strike them down? They say that you have only exercised your ordinary power and not your constitutional power and therefore they were only ordinary laws. That is an ordinary law. To that extent, they will say, "We are striking it down." This

[Shri C. M. Stephen]

clause as it is will be completely dangerous. I would like to go on record. That is why I am speaking on it. It is absolutely dangerous. Under article 32, they have a clear jurisdiction. You take out State law and leave the rest of it there. In respect of Central law. They have the jurisdiction notwithstanding anything stated in the Constitution. You will still be leaving every Constitution Amendment Act within the jurisdiction of the Supreme Court. Therefore, when you make exempting provisions, along with the State law, you must say, any law passed or purported to be passed under article 368. Why do we bring in the word "purported"? According to the Supreme Court a law under article 368 can be beyond the Constituent power of Parliament. Although the Supreme Court is of that view, we say, a law purported to be passed under article 368 which, according to the Supreme Court may not be a law under article 368 should still be beyond the jurisdiction of Supreme Court. Therefore, we use the word "purported".

In order to protect that law, that exemption provision should be made in this amendment which you are proposing. Our whole exercise, our whole struggle, in the course of the decade is to save the Constitution Amendment Act and to re-establish our constitutional authority. Let there be no doubt left about it. Let it be absolutely clear that all loopholes be plugged. This concept should be repeated saying that this shall not be touched by the Supreme Court.

This is a humble submission that I would like to make. Let us be careful about it. I would request the Law Minister to kindly consider it and, if it is acceptable, an amendment may kindly be brought in by the Government. I leave it to the Government to consider it.

SHRI BHOGENDRA JHA: Amendment Nos. 27, 82 and 452 are the same. I want to press Amendment No. 452.

MR. CHAIRMAN: Amendment No. 452 has not been moved because that is the same as Amendment No. 27. I cannot allow that.

यह आप पहले कह देते। एक तरह से दो अमेंडमेंट मूल नहीं करने दिये जाते। 452 और 27 एक जैसे अमेंडमेंट हैं। आपने 27 मूल कर दिया इसलिए लाचारी है, 452 आप मूल नहीं कर सकते।

Now it is too late.

SHRI S. N. MISRA: Mr. Chairman, Sir, there is a very small amendment that I have suggested in respect of clause 6. The amendment that I am proposing is to add the following words, "except when the matter is taken up in appeal to the Supreme Court."

The reason is obvious because the proposed article 32A reads:

"Notwithstanding anything in article 32, the Supreme Court shall not consider the constitutional validity of any State law in any proceedings under that article unless the constitutional validity of any Central law is also in issue in such proceedings."

If this provision remains, it will not be open to any citizen to challenge the judgment and the decision of the High Court in appeal to the Supreme Court. The only course that will be open to the litigant will be that he can move for a special leave. My submission, therefore, is that it is necessary that the right must be given to a citizen to appeal against a judgment of the High Court in respect of a law that has been passed by the State.

I would request the Law Minister to consider my Amendment No. 171.

SHRI D. K. PANDA (Bhanjanagar): Mr. Chairman, Sir, this involves the right of the citizens of the country to constitutional remedy. We therefore feel that as far as this amendment is concerned, there is the question that if any State law means a violation of the Directive Principles, then that matter should go to the Supreme Court and the Supreme Court should have the jurisdiction to decide. We are not very anxious to widen the scope of the Supreme Court, knowing as we do the various cases and precedents. But the point here is that we say the Directive Principles are the nerve centre of the Constitution. Supposing in any State the mechanism of the Government goes wrong or, under certain circumstances, some State law comes up which is against the Constitution, then the citizens should have the option to take the matter to the Supreme Court.

My second statement will be that the Hon. Minister has also not given any explanation or any grounds for inclusion of this clause. It merely says:

"After article 32, the following article shall be inserted, namely:—

"32A. Notwithstanding anything in article 32, the Supreme Court shall not consider the constitutional validity of any State law in any proceedings under that article unless the constitutional validity of any Central law is also in issue in such proceedings."

There is absolutely no explanation as to how it is warranted and what is the basic ground on which this is to be done.

Now, my third observation will be with regard to the real conflict and contradiction between articles 31A and 32A. As my friend from the other side Mr. Stephen has already said,

there will be contradiction and that will be taken advantage of by either some judges or by other undesirable elements. So, when we have given so much thought to the improvement of Directive Principles and when we say that it is really the nerve-centre which activates all the other limbs of the Constitution, under such circumstances, if a State law violates any of the Directive Principles, I think the citizens should be given the option to go to the Supreme Court and agitate the matter. This is a fundamental right and, to that extent this must be given to the citizens.

SHRI K. MAYATHEVAR (Dindigul): My amendment No. 554 is a simple one and I hope it is a very reasonable one also. Under this clause to Art. 32A and under some other clause to be inserted in Art. 228, when there is a controversial State law, we will have to move the High Court for remedy and when there is contravention or violation of a Central law, we will have to approach the Supreme Court directly. Under these circumstances, the statement of Mr. Stephen and some other Hon. Members is very correct. The Minister knows very well that the right to move the Supreme Court itself is a fundamental right. In the year 1956-57, some case came up directly to the Supreme Court from Andhra Pradesh regarding lottery. I have forgotten the name of the case. The right to move the Supreme Court without going to the High Court is, itself, a fundamental right. Therefore, you find out some way, as pleaded by the hon. Member and myself...

SHRI C. M. STEPHEN: I did not make any such plea.

SHRI K. MAYATHEVAR: Then I withdraw your name.

My pleading before the Minister and the Government is this. The Central laws can be challenged only in the Supreme Court. It is admitted. But my point is this. Every citizen has to abide by the Central law. If

[**Shri K. Mayathevar**]

a person living in one of the four southern States, Tamil Nadu or Andhra Pradesh or Karnataka or Kerala, has any grievance, he has to come all the way to the Supreme Court, to Delhi, travelling thousands of kilometres. Why do you make these people come all the way to the Supreme Court here? There is no equality of opportunity here. My simple demand is that nobody in the south, in the four southern States, should feel deprived of his right to move the Supreme Court. Why not have a separate Bench or a branch of the Supreme Court in the south to hear such cases? I do not say that the Supreme Court Bench or Branch should sit only in Madras for my convenience? It should serve all the four southern States. You can have it at any place in the south...

AN HON. MEMBER: It may be a mobile one.

SHRI K. MAYATHEVAR: It may be a mobile one or a permanent one. It has to be decided by the hon. Minister, by the Government, not by you or me.

Therefore, my pleading on behalf of the four southern States is this: have a branch of the Supreme Court in the south to hear the cases there. It will be in the interest of the people living in the south. I hope the hon. Minister will sympathetically consider this matter as it is a very reasonable request that I have made on behalf of the people of the south.

SHRI H. R. GOKHALE: Substantially there are three points which have been raised, although there are two amendments. One is an amendment with regard to law in which there is some violation of the Directive Principles and which is to be challenged; the amendment is that these laws should be open for challenge, not only in the High Court but also in the Supreme Court. I wonder

why these laws cannot be challenged in the High Court. If a challenge is to be made, then these laws can be challenged in the High Court.

The other thing is, I do not know what exactly is meant when it is said that a law is made in violation of the Directive Principles. Does it mean a law not in pursuance of a Directive Principle? What is meant by violation of a Directive Principle? For example, prohibition of cow slaughter is a Directive Principle, and if somebody allow cow slaughter is it the case where you can say that it is violative of the Directive Principle? If, for example, there is a provision that there will be a uniform Civil Code and you allow the Muslim and other personal laws to continue, do you mean to say that these laws are violative of Directive Principles? This is not what is contemplated for a challenge. I can understand an argument that, after the new Amendment comes into force, if a law is made to implement a Directive Principle, then it becomes a law and it will supersede the Fundamental Rights. That is a different matter altogether. Moreover, assuming such a challenge can be there, if one court can entertain it, the other court can also do it. There is no difficulty about it. In any case if it is High Court, there is a provision for an appeal which is left open. I do not think that this amendment is necessary.

With regard to the point raised by my friend, **Shri Stephen**, I would only speak regarding clause 6 for the time being, as we are dealing with it only. Clause 6 refers to:

“The Supreme Court shall not consider the constitutional validity of any State Law”

Certainly, a constitutional amendment is not a State law. Suppose somebody says that it includes also the law passed under the constituent power, even then it would not be a State law. Under this Article, where

the Supreme Court is barred from challenging the validity of a State law, the question of barring the challenge to a constitutional amendment on the assumption that it is a Central law does not arise, at least so far as this Article is concerned.

It says: Notwithstanding anything in Article 32—it presupposes, but for this, article 32 could have been enforced but Article 32 is not to be availed of, you cannot challenge the State law. I cannot say that the point is not important. I will consider it when we come to clause 23, dealing with Article 181A. Maybe, such a provision is necessary. This is a limited amendment of Article 32, so far as challenge to State law is concerned.

SHRI C. M. STEPHEN: My point is that under Article 32, Central law, State law and Constitutional law, all these could have been challenged. Out of that you say: Notwithstanding anything in Article 32, State law shall not be challenged hereafter, which would mean that the other two will be left.

SHRI H. R. GOKHALE: You say that challenge under Article 32 to a Central law, including for the sake of argument, an amendment to the Constitution under Article 368, should be debarred, and we should make a provision for it in Clause 23. I am open on that point. I do not say that this is a point without any substance. I will apply my mind before we come to clause 23, and if I come to the conclusion that it is necessary, I will bring an amendment, or accept your amendment. There is a plausible point which is worth considering, but I do not think, it is necessary to do this in this clause.

Then, I am sorry, I did not understand Shri S. N. Misra's point, when he said that there was no right of appeal.

SHRI S. N. MISRA: If you read, it is the petition that can be filed, not

an appeal. An appeal is prohibited. It is mentioned:

"Notwithstanding anything in Article 32, the Supreme Court shall not consider the constitutional validity of any State law in any proceedings under this Article...."

SHRI C. M. STEPHEN: It is under that Article only.

SHRI H. R. GOKHALE: My friend is an experienced lawyer. I want to bring to his notice that first of all, the bar is to any challenge under that Article. The challenge is limited to the constitutional validity to a State law and nothing else. Moreover, appeals can go to the Supreme Court only under Articles, as far as I remember, 133, 134 and specially Article 136. They are not taken away. Therefore, the question of appeal not being there does not arise. Only under Article 32, it cannot be raised.

Another point made is with regard to setting up a constitutional bench. It is not really a matter of constitutional amendment. If at all it is desirable, it is a matter for independent consideration. That does not require a constitutional amendment.

Let us see how the constitutional amendments function and what our experience is. Maybe, we will need it, or maybe we will not need it, but this is not a question which arises now.

Clause 7—(Amendment of Article 39)

[**Shri H. R. Gokhla**]

सभापति महोदय : श्री शंकरदयाल सिंह जी आपका अमेंडमेंट 504 वाही है, जो श्री डागा का 232 है। यह डागा साहब ने मूव कर दिया है, इसलिए भ्रव आप यह संशोधन मूव नहीं कर सकते हैं। आप डागा साहब के साथ इस पर बोल लीजिये, यह संभव हो सकता है।

श्री शंकर दयाल सिंह : सभापति जी, आपने मेरे मुंह की बात कह दी है।

SHRI M. C. DAGA: I beg to move:

Page 3, line 17,—

after "given" insert "equal"
(232)

Page 3, line 17,—

after "and" insert "similar"
(233)

PROF. S. L. SAKSENA: I beg to move:

Page 3, line 17,—

after "children" insert—

"are treated as the greatest national asset, and" (264)

Page 3, lines 17 and 18,—

after "develop" insert—

"into citizens with physical intellectual, moral, in fact, all round perfection" (265)

SHRI O. V. ALAGESAN: I beg to move:

Page 3, line 20,—

add at the end—

"and to this end, childbirth is restricted by means of population control and family planning" (318)

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I beg to move:

Page 3,—

for clause 7, substitute—

"7. For article 39 of the Constitution, the following shall be substituted, namely:—

"39. The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women, equally shall be ensured the right to work and an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community including the principal means of production, distribution and exchange, shall be owned and managed by the State so as to put the State firmly on the road of social progress;

(c) the concentration of ownership of land in the hands of rich landed gentry is eliminated and distribution of land to the tiller ensured and voluntary production co-operatives of self-cultivating farmers and large-scale State farms are established;

(d) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(e) that there is equal pay for equal work for both men and women;

(f) that children are given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment, and are assured of adequate facilities for training in sports and pursuing cultural activities".
(453)

श्री भूतचन्द्र डाला : समाप्ति जी, एक बात सब जगह कही जाती है कि हिन्दुस्तान में गरीब आदमी को भी राष्ट्रपति बनने का हक है, संविधान इसकी इजाजत देता है। लेकिन एक बात नहीं कही जाती कि उनके लिये साधन भी समान हों। सब को कह तो सकते हैं कि ऊपर आ सकते हैं, लेकिन ऊपर

आने के लिए साधन बराबर नहीं हैं। अगर एक बाले ज खुलता है, तो उसमें गरीब विद्यार्थी जा नहीं सकता है। पब्लिक स्कूल में, अच्छे स्कूल में हर आदमी शिक्षा नहीं पा सकता है। हर एक को राष्ट्रपति और प्रधान मंत्री बनने का अधिकार है लेकिन साधन बराबर नहीं मिलते हैं जिससे विकास करने में वादा होती है। आर रेगिस्ट्रान में किसी के पास कंट हो और किसी के पास वादा हो तो कंट वाला पहले पहुंच जाता है, दूसरा पीछे रह जाता है। आप संविधान में यार्चुनिटी तो देना चाहते हैं लेकिन बराबर अधिकार भी दीजिये।

जैसे जब सभी स्पोर्ट्स में लोग खड़े होते हैं, तो सब को एक जगह खड़ा करते हैं, एक सी डेस वे लोग पहनते हैं। नम्बर बेशक सब के अलग अलग होते हैं। लेकिन यह नहीं होता कि इक्वल अपार्चुनिटी न मिले। अब एक आदमी आक्सफोर्ड में पढ़े और दूसरा गांव के स्कूल के मास्टर के पास पढ़े तो वह कैसे बराबर हो सकते हैं? जब हम अपने संविधान में समाजवाद शब्द का प्रयोग कर रहे हैं तो —

The children should be given equal opportunities and similar facilities.

सब को समान अवसर दीजिये। हिन्दुस्तान में सब से बड़ी बात यही है कि सोगों को समान अवसर नहीं है। लोगों की बहवूदी के लिये सबको समान अवसर और साधन मिलने चाहिये। विषमता और डिसर्विटी को कम किया जाये, ऊपर वालों को नीचे लाया जाये और बराबर के समान फूतर पर लाया जाये। मैं यह कहता हूँ कि अपार्चुनिटीज आर नाट इक्वल।

एक व्यक्ति पब्लिक स्कूल में पढ़ रहा है और एक गोहाटी के एक स्कूल में पढ़ रहा है। दोनों के लिए बराबर अवसर नहीं है। मेरे प्रस्ताव का सभी समर्थन करते हैं। यह नहीं

होना चाहिये कि मंत्री महोदय अपना गोत-मोल उत्तर देकर हठघर्षी करके इसे एक्सेप्ट न करें। वह जो चाहें करें, हमें तो अपनी बात कहनी ही है। मूला तो अपनी बांग देगा ही।

PROF. S. L. SAKSENA: Mr. Chairman, please read out my amendments. I have not got my glasses here.

MR. CHAIRMAN: Your first amendment is:

Page 3, line 17,—

after "children" insert—

"are treated as the greatest national asset, and"

The second one is:

Page 3, lines 17 and 18,—

after "develop" insert—

"into citizens with physical, intellectual, moral, in fact, all round perfection"

PROF. S. L. SAKSENA: I have been to socialist countries and I have been highly impressed by the care bestowed upon the children. In fact in the Soviet Union, on every child they spend about Rs. 500. From the cradle upto the age of 7, they are treated just like national asset. When you are making this provision, the children must be given the same treatment which is given in the socialist countries. They should be treated as the biggest national asset and every care should be given to them. It is obvious and I need not elaborate it further.

SHRI O. V. ALAGESAN: The object of the amendment is that Population and Family Planning should form part of the directive principles. It is too late in the day to argue how necessary family planning is. Unfortunately, the Opposition has found a stick in the execution of family planning programmes to beat the Government with. You propose to

[Shri O V. Alagesan]

include it as a new item in the Concurrent List as item 20A. This should be re-inforced by being included in the directive principles as well.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I move my amendment No. 453 on behalf of all the signatories. Sir, after adding 'Socialist Secular' to the Preamble it will read:

'Solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic'

So it becomes necessary to spell out, at least in general terms as to what is the direction in which the country has to move and that certain directive principles are laid down for the Parliament and for the Government to pursue in order that we move forward towards this final goal of a Socialist Secular Republic.

The Minister, when he was speaking in his reply said that the right to work is there in the directive principles. I would like to read out Article 39. The right to work is not there explicitly. It says:

"(a) That the citizens, men and women equally, have the right to an adequate means of livelihood."

'Adequate means of livelihood' could mean anything. That is why we want to spell out what the Minister himself wants or claims is already there—

"That the citizens, men and women equally, shall be ensured the right to work.'

I do not think that the Minister would refuse to accept this amendment because he has already committed himself in his reply when he said that that was there. If it is not so, he should put it there.

This is one of the most important amendments because if you leave it the directive principles in the same

rather generalised manner, which has existed all these years, then that direction does not get crystallised in and Reasons attached to the Bill.

Therefore, Sir, we want you further to spell out what exactly is meant by the term 'industry'. We want that the state ownership—the public sector—should be extended to which the Prime Minister also made a reference in her speech yesterday. We have seen in this period of emergency, particularly, after June 1975, it has assumed even a greater importance in terms of our finally establishing socialism in this country. We have seen even now as to how, as far as workers are concerned, they have responded wholeheartedly to the call of the nation, to the requirements of national economy as also to the political requirements of the emergency. That is why you have now seen a shortfall in the number of man-days lost due to strike. At the same time you have also seen the increase in the productivity and the manner in which the workers, in a disciplined way, had been applying themselves to the work that had been allotted to them.

The Minister of State for Railways is here. He is never tired in one meeting after another of paying tributes to the workers who are under him in the largest nationalised undertaking, namely, the railway workers. He has admitted and he has also agreed as to how during the period of emergency they had shown a greater sense of discipline and endeavour to increase operational efficiency in the running of the railways.

What do you see on the other side? There has been a twofold increase in the number of man-days lost due to lock-out. This is the national patriotism shown by the great employers and the vested interests. Both the Minister and the Prime Minister pointed out that the main direction of this Bill is to see that those hurdles that have been before us in removing backwardness and poverty in this

country are overcome. Therefore, these changes in the Constitution are brought about so as to create the prerequisite to go forward more speedily.

Now, Sir, if that is the case, it is extremely important that the Directive Principles should also equally be amended so that this idea becomes more crystallised. And that is why we propose that the Directive Principles should include the whole direction of nationalisation of those consumer industries which are extremely important as far as the welfare and the livelihood of the people are concerned as also the industrial progress of the country is concerned.

We all know how, time and again, we have stressed the need for nationalising those industries such as sugar (in which you, Sir, are personally interested) textiles and those commodities which are essential to the livelihood of the people. We need nationalisation of it because we know how the private sector had been playing ducks and drakes with the industry and the trade. That is the idea behind moving the amendment to sub-clause (b) of the main clause.

Then, Sir, I want to point out that—land reforms, have not been spelt out in the Directive Principles. During the last year we had been hearing about speeding up of land reforms. If we have to bring about land reforms, we should also spell out certain other things such as encouraging or bringing about the voluntary cooperatives of self-cultivating farmers.

To generate this activity, establishment of cooperatives is necessary. The Prime Minister spoke so much about it. In spite of the Resolution of the Nagpur session of the Congress, in spite of various directives that have been there in the political parties' meetings and in spite of various ruling party's meetings and in spite of what is already there on the Statute book, the movement is very slow. We

want this movement to be speeded up and that this article becomes a part of the Directive Principles of our Constitution.

Lastly Sir, I would like to point out one thing. That is, that mere hanging of the Preamble and introducing therein the word 'socialism' and making that as a final goal of this country and of the people will not suffice. In bringing about a change in the Preamble pointing out to the country and the people what the ultimate aim of this country is, we should see to it that this is done keeping in view the aspirations of people of this country.

It is necessary also to reflect the aspirations of each section of our nation, of the workers on the one hand, of the peasants, the self-cultivating farmers and agricultural labour on the other, of men and women alike throughout the country, who ask: 'What is your talk of socialism, where is the path to socialism unless and until our bread and butter is assured? Bread and butter is not assured only by the phrase 'adequate means of livelihood'.

Since the Minister has come back, I would like to say once again, because he was not here when I started, that he seems to think, he seems to take for granted that the directive principles already contain the right to work. They do not.

SHRI JAGANNATH RAO (Chatrapur): Please see article 41.

SHRIMATI PARVATHI KRISHNAN: I am talking of article 39 which says:

"The State shall, in particular, direct its policy towards securing..."

Here the right to work should be put in. I am talking of this article. We should have the right to work combined with adequate means of livelihood. This is what we mean, so that it becomes a directive principle for us to

[Smt. Parvathi Krishnan]

follow towards achieving what you are now introducing in the preamble.

Today when the question of the possibility of work is raised, the question of population is raised. Every time there is some such diversionary move. I am not going into the entire gamut of this problem which has already been dealt with by Shri Sarjoo Pandey and others who pointed out how the policy of family planning is being distorted. How in spite of the Prime Minister's repeated declarations that we believe in persuasion and motivation, we find that distortions take place, excesses take place and deaths take place due to compulsion. To safeguard against all these distortions, it is necessary that the right to work becomes an essential part of article 39, (a), (b), (c) and the other things that follow out of it. We should see that the distribution system, the essential commodities, all these come within the purview of the State and under State control. This is the purpose of this amendment that I am moving on behalf of the signatories, on behalf of my whole group.

17 hrs.

श्री शंकर दयाल सिंह : सभापति होदय, मैं अनुग्रहीत हूँ कि आपने मुझे गमय दिया। इस बात को सभी स्वीकार करेंगे कि कभी कभी दो बुद्धिमान व्यक्ति एक ही तरह की बात सोचते हैं। यह जो "समान" शब्द हमने जोड़ा वह शब्द तो केवल तीन अकार का है लेकिन अगर हम देखें तो इसके अन्दर प्रजातन्त्र की आत्मा कैद है, लोकतंत्र की बेतना इस के अन्दर बन्द है। समाजवाद शब्द जिसके सम्बन्ध में आज हमने बहुत कुछ सोचा समझा है उस समाजवाद का भी सारा तत्व इसमें निहित है। बच्चों को जो समान शिक्षा, समान पढ़ने के अवसर देने की बात कही जाती है वह कैसे दी जा सकती है? एक और गांवों में बेचारे ऐसे

बच्चे हैं जिन्होंने न तो कभी सड़क के दर्शन किए हैं और न ट्रेन के दर्शन किए हैं और न वे जानते हैं कि गाड़ी कैसी होती है। दूसरी और दिल्ली, कलकत्ता, बम्बई और मद्रास जैसे बड़े बड़े शहरों में अट्टलिकाओं में रहने वाले गार्जियन्स के लड़के हैं। दोनों को समान अवसर कैसे प्राप्त हो यह आप देखें। इस संदर्भ में बड़े बड़े विनीत शब्दों में कहना चाहता हूँ कि समानता पर सब से बड़ा कुठारावात अगर कोई कर रहा है तो अंग्रेजी स्कूल कर रहे हैं और अंग्रेजी भाषा द्वारा हो रहा है। मैं इसलिए यह कह रहा हूँ कि जो अंग्रेजी भाषा निष्ठात नहीं होगा; विद्वान नहीं होगा फर्राटा अंग्रेजी नहीं बोलेगा; अंग्रेजी शब्दों का उच्चारण नहीं करेगा वह कापिटीशन में नहीं आ सकता है। बेचारे गांव के बच्चे कितने ही प्रतिभावान क्यों न हों बीं ५० एम० ए० करके आए हों वे ऐसी जगह कापिटीशन में जाते हैं तो इंटरव्यू में सिकुड़ कर खड़े होते हैं वे उसी प्रकार अंग्रेजों का उच्चारण नहीं कर सकते हैं जिस प्रकार से कानवेंट या पब्लिक स्कूल में पढ़ने वाला कोई लड़का कर सकता है।

सारी बातों के साथ, आचरण के साथ, शुद्धता के साथ, राष्ट्रीयता के साथ, कर्मठता के साथ, वह छांट दिया जाता है और वह लड़का, जिस के हृदय में न निष्ठा है, न देश प्रेम है, न भक्ति है, लेकिन एक विदेशी जुबान हैं उस की जिह्वा पर, उस को चुन लिया जाता हैं और वही संस्कार पूरी सर्विस में उस पर छाये रहते हैं। वह अंग्रेजी नहीं जानता, लेकिन मैं अंग्रेजी में निष्ठात हूँ इसलिए मेरा दर्जा ऊँचा है।

इस लिये, श्रीमन, जब मैंने इस संशोधन को यहां रखा, तो जान बूझ कर रखा था कि भारतीय भाषाओं को एक मर्यादा मिलनी चाहिये; तामिल, तेलगू; कन्नड़; मलयालम; बंगला; सब भाषाओं को वह मान मिलना चाहिये। लेकिन हम तो अंग्रेजी भाषा के

धीछे हैं, इस तरह से उसके पीछे अन्धे होकर चल रहे हैं कि जब तक कोई उसकी गुलामी नहीं करेगा; सर्विस नहीं पा सकेगा ।

हम बार-बार इस बात को कहते हैं कि संविधान के प्रति हमें आदर करना चाहिये और मूल कर्तव्यों में सब से पहला कर्तव्य यही है कि संविधान के प्रति आदर और सम्मान रहे । इब; सभापति जी, हमारे संविधान में इहा गया है कि राज्य भाषा हिन्दी है और लिपि देवनागरी है, लेकिन इसी सदन में दो दिन पहले एक माननीय सदस्य ने, जो हम लोगों की तरह से चुन कर नहीं आये हैं, जिन को हम लोगों की तरह से दस लाख जनता का सामना नहीं करना पड़ा है, नौमिनेट होकर यहां आये हैं—अंग्रेजी की बोलत; उन्होंने जिस तरह से चुन-चुन कर भारतीय भाषाओं को, हिन्दी को गालियां दीं—क्या यह संविधान का अपमान नहीं हुआ ?

17.04 hrs.

[SHRI VASANT SATHE in the Chair]

इस लिये, सभापति जी, जब मैं “समान” शब्द की बात कहता हूं— कि “बालकों को स्वतन्त्र और गणितामव बातावरण में स्वस्थ विकास के समान अवसर और सुविधायें दी जायें और बालकों और अन्यवय व्यक्तियों की शोषण से तथा नैतिक और धार्थिक परिव्याग से रक्षा की जाय”— यह रक्षा तभी सम्भव हो सकेगी जब उनको पढ़ाई और शिक्षा के समान अवसर प्रदान किये जायेंगे । मैं “समान” शब्द के सम्बन्ध में माननीय कानून मंत्री जी से कहना चाहता हूं कि मुझे बड़ी खुशी हुई जब आपने पहली बार हिन्दी में मेरी बातों के जवाब दिये । आप तो मुझ से भी कहीं ज्यादा हिन्दी जानते हैं । आप कभी बोलते नहीं हैं, लेकिन आज बोल कर आपने हमारा भ्रम दूर कर दिया और अगर आप हिन्दी बोलना शुरू करदे तो हम उज्जा-

ओर संकोच के मारे चुप हो जायेंगे क्योंकि आप बहुत इच्छी हिन्दी बोलते हैं । मेरा आपसे अनुरोध है कि जितनी शिक्षण संस्थायें हैं उनको समान स्तर पर लाइये, चाहे गांव का स्कूल हो या शहर का या दिल्ली का कानूनेट । सभी विद्यार्थियों को शिक्षा में समान अवसर मिलने चाहियें । आज वे हिन्दी की बजह से मारे जा रहे हैं, उनको समान अवसर नहीं मिल रहे हैं । इस लिये मैं विविध मंत्री जी से अनुरोध करूँगा कि यह “समान, ईक्वल, इक्वलिटी, समानता” शब्द बड़ा ठोस शब्द है, तीन अक्षर का शब्द है, तीन अक्षरों में ही ब्रह्म हुआ करता है, छोटे शब्द की अपनी एक मर्यादा होती है—इस लिये आज जब हम आपने संविधान को एक नया रूप दे रहे हैं; एक नई जाग्रति दे रहे हैं तो इस छोटे शब्द को इसमें अवश्य जोड़ दे, इस से यह पूर्ण हो जाएगा—यही मेरा आप से निवेदन है ।

SHRI C. K. CHANDRAPPAN (Telli-cherry): Sir, in the statement of objects and reasons it is stated:

“The question of amending the Constitution for removing the difficulties which have arisen in achieving the objective of socio-economic revolution, which would end poverty and ignorance and disease and inequality of opportunity has been engaging the active attention....”

“It is therefore proposed to amend the Constitution to spell out expressly the high ideals of socialism, secularism and the integrity of the nation, to make the directive principles more comprehensive and give them precedence over those fundamental rights....”

So, one of the most important reasons for this amendment is to achieve socio-economic revolution. That socialism is the goal of the country has been re-stated. If it is not to remain a dead letter of the Constitution, if this goal

[Shri C. K. Chandrappa]

is to be achieved, logic demands that in the directive principles there should be measures very clearly suggested by which the nation can achieve this goal. Shrimati Parvathi Krishnan has already explained our amendment. There we have tried to strengthen the directive principle in order to achieve this goal. We do not believe that poverty and ignorance are accidental. These are the results of certain socio-economic developments in our country. If you have to wipe out poverty and ignorance and take this country towards socialism, those reasons should be removed. It is not merely by family planning that you will achieve the goal.

It is a fact admitted by the government and known to this House that there are monopoly houses developing, traders indulging in black-marketing and creating artificial scarcity, etc. There are millions and millions of poor people. Impoverishment, has made more than 50 per cent of the people live below the poverty line in our country. I suggest that in the directive principles, which will now have precedence over fundamental rights, these things should be spelt out clearly. Our amendment says that the people of this country should be ensured of employment. Article 41 in a round about way with so many limitations says that the State shall try etc. We are saying, trying will not do. We have been undergoing trials for the last 25 years and we are today living with more than 12 million registered unemployed in this country. In the directive principle, if should be clearly stated that the State shall endeavour to ensure employment to the people. That is the meaning of what we are suggesting.

Then coming to the question of land reforms, we have given an amendment that it should find a place in the Directive Principles of the Constitution. Shrimati Parvathi Krishnan had already pointed out the importance of putting this in the Directive Principles.

The central point of the 20-Point Programme is land reforms. So that should find a place in the Directive Principles of the Constitution.

With regard to children, we are moving an amendment about more facilities, sports, etc. and, therefore, I am not going to elaborate that. The whole contention is that the socialism is the goal of the country. When you accept that, the Directive Principles should be such that it should enable the country to achieve its cherished goal.

17.12 hrs.

[MR. SPEAKER in the Chair]

SHRI H. R. GOKHALE: Mr. Speaker, Sir, with regard to the amendment, I must say, that in principle we cannot have any objection to this. On some of these matters I have already spoken when I spoke this morning. Some attempt is made to consolidate two Articles into one. In Article 41 as it is there already 'The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work', only this part is relevant for this purpose. Similar is the case with article 38. Most of the ideas which are already there, have been included in the amended draft. Of course, there are things which are stated by way of elaboration, but substantially all these things are there in the Directive Principles and I do not think that any alteration in the existing Directive Principles except the one which is now for consideration, is necessary. I would request that this may not be pressed.

MR. SPEAKER: Before I take up next clause, I would suggest that we should sit late today because we must finish 20 clauses a day. There are 59 clauses and we must finish them in three days. There are only two days more. Third reading will be on Monday. Unless we keep up the progress, we will not be able to finish.

SOME HON. MEMBERS: No, no.

SHRI INDRAJIT GUPTA: We have to adjust our engagements also.

SHRI VASANT SATHE: Today, we should have finished 20 clauses, tomorrow 20 clauses and the rest on the third day. Until now, we have finished only 7. By 5.30, we may not be able to finish more. I have also been hearing. Unless the hon. Members curtail their remarks, instead of repeating what is contained in their amendments, and restrain themselves and keep to this time schedule, we will have to do at least 30 amendments tomorrow to make up for what we have lost to-day. I am only suggesting a programme. (Interruptions)

MR. SPEAKER: Not on Sunday. Let us fix the time table more reasonably.

SHRI INDRAJIT GUPTA: Let us be quite frank. I am not meaning offence to anybody, because it has been decided with the cooperation of everybody that voting will take place only at 5.30 p.m. Many Members will come here only at 5.30 p.m. and will be prepared to sit up to 8 or 9 p.m. Those Members like me who are sitting the whole day here are also supposed to sit till 9 p.m. The Minister is under compulsion. He has no choice in the matter. I agree with one part of what Mr. Sathe said, that some reasonable time-limit should be there, on speeches. It should be reasonable; otherwise what will happen is that towards the end, in order to hurry up and finish the thing every one will be given only one minute; and people will be annoyed over it. Let us sit extra hours tomorrow; and if necessary, the President can be asked to issue a fresh summon for the Rajya Sabha. Why should it come here on the 3rd necessarily?

MR. SPEAKER: They have already been summoned.

SHRI INDRAJIT GUPTA: Amended summons might be issued.

MR. SPEAKER: We will not sit late to-day, but from tomorrow. Tomorrow and the day after, the House will sit

late to dispose of the clause i.e. to dispose of 25 clauses tomorrow and 25 day after tomorrow. There will be third reading. We will see.

Let us now go over to clause 8. Does anyone want to speak on clause 8?

Now Mr. Bhogendra Jha. Are you moving your amendment?

SHRI BHOGENDRA JHA: No. Sir.

Clause 8—(Insertion of new article 39A)

PROF. S. L. SAKSENA: I beg to move:

Page 3, line 25,—

after "free" insert "effective" (43).

SHRI HARI KISHORE SINGH: I beg to move:

Page 3, line 26,—

after "securing" insert "expeditious" (193).

SHRI NIMBALKAR: I beg to move:

Page 3,—

after line 28, insert—

'39B. The State shall ensure that full justice is done to the word "SOCIALIST" introduced to the Preamble and the state shall endeavour to ensure for the citizens of India:

(a) free and equal (both qualitatively and quantitatively) education to all sections of society;

(b) jobs for the people commensurate with their education and acumen;

(c) stable prices for all goods;

(d) a dignified life to all sections of society by calculating remunerations in such a way that—

(i) one-tenth of the remuneration shall suffice to have a decent living place;

[Shri Nimbalkar]

(ii) three-tenths of the remuneration shall suffice for nutritious feeding of the family;

(iii) one-tenth of the remuneration shall suffice for clean clothing, etc.;

(iv) from the remaining one-half of the remuneration a contribution may be made toward social amenities.

These shall be:

- (a) Free medical service.
- (b) Old age pension.
- (c) Provident fund.
- (d) Unemployment benefit.
- (e) Disability and life insurance.

(e) a "SOCIALISM" that shall also mean: to each according to his need; from each according to his ability. A socialist economy that shall be an economy of plenty." (253)

PROF. S. L. SAKSENA: I beg to move:

Page 3, line 23,—

after "shall" insert—

"provide a legal system which ensures cheap and speedy justice to" (266)

SHRI MD. JAMILURRAHMAN: I beg to move:

Page 3, line 28,—

add at the end—

"or by virtue of being members of religious minorities". (294)

SHRI DHARNIDHAR DAS (Mangaldai): I beg to move:

Page 3,—

after line 28, insert—

"39B. The State shall by economic planning coordinate the different sectors of the national economy, and direct all economic operations along socialist lines by speeding up the process of nationalisation and cooperation in the means of production and distribution so as to rebuild India as a Socialist Republic." (341)

MR. CHAIRMAN: Mr. Kartik Oraon, are you moving 376 and 377?

SHRI KARTIK ORAON: No, Sir.

SHRI INDRAJIT GUPTA: I beg to move:

Page 3,—

after line 28, insert—

"39B. The State shall take all necessary steps for full protection of the rights of Muslims and other minority communities and those belonging to the Scheduled Castes and Scheduled Tribes and other weaker sections in all spheres of national life, particularly in matter of education and employment." (454)

SHRI BIBHUTI MISHRA: I beg to move:

Page 3,—

after line 28, insert—

"39B. The State shall—

(a) provide free education to all sections of society;

(b) guarantee employment to every citizen and provide for payment of subsistence allowance to the old, infirm and unemployed; and

(c) bring about a social order in which each gives according to his capacity and gets according to his needs." (489)

SHRI SHANKAR DAYAL SINGH: I beg to move:

Page 3, line 25,—

after "free" insert "suitable" (505)

Page 3, line 27,—

after "economic" insert "intellectual" (506)

DR. KAILAS: I beg to move:

Page 3,—

after line 28, insert—

"39B. The State shall provide work for all able-bodied persons, for all citizens and they shall be given equal opportunity in matters relating to employment or appointment to any office in any part of the country and the State shall also endeavour to give him/her suitable job under the State, joint sector or private sector within a reasonable period". (555)

SHRI RAM HEDAOO (Ramtek): I beg to move;

Page 3,—

after line 28, insert—

"39B. The State shall provide free and uniform education (qualitatively and quantitatively) for all Indian children." (556)

PROF. S. L. SAKSENA: I have moved two amendments. These relate to free legal aid. It should not only be free but it should be speedy. It is well known that courts take a very long time to dispense justice. So, my amendment wants to add the words "provide a legal system which ensures cheap and speedy justice". So far as legal aid is concerned, you may provide a lawyer. But that alone is not sufficient. The court fee is very high. So, I suggest that it should be not only free but effective

so that even poor people will be able to get justice. I hope the Law Minister, who is himself a lawyer, knows that delay amounts to injustice. So, he should devise some methods by which the objective can be attained.

SHRI NIMBALKAR: Sir, by my amendment No. 253, I seek to provide an additional clause to the clause which we are debating at present. At one time I thought I could bring this as a new clause in the same way as a Chapter is introduced in the case of Fundamental Duties. But, since then, I found a place for it in the Directive Principles. I have found during the course of the debate that almost every point that is made in this clause has been found acceptable to the overwhelming majority of the members of this august House. Before I go to explain why I have brought in this clause, I shall first read out the clause itself, so that it will be better understood. It reads:

"39B. The State shall ensure that full justice is done to the word 'SOCIALIST' introduced to the Preamble and the State shall endeavour to ensure for the citizens of India:

(a) free and equal (both qualitatively and quantitatively) education to all sections of society;

(b) jobs for the people commensurate with their education and acumen;

(c) stable prices for all goods;

(d) a dignified life to all sections of society by calculating remunerations in such a way that—

(i) one-tenth of the remuneration shall suffice to have a decent living place;

(ii) three-tenths of the remuneration shall suffice for nutritious feeding of the family;

[Shri Nimbalkar]

(iii) one-tenth of the remuneration shall suffice for clean clothing etc.;

"(iv) from the remaining one-half of the remuneration a contribution may be made toward social amenities.

These shall be:

- (a) Free medical service.
- (b) Old age pension.
- (c) Provident fund.
- (d) Unemployment benefit.
- (e) Disability and life insurance.

'(e) a 'SOCIALISM' that shall also mean to each according to his need from each according to his ability. A socialist economy that shall be an economy of plenty'.

You can see from the debate that went on before that as far as the first part of this sub-clause that I am trying to introduce is concerned namely free and equal education, it is something which is advocated by all the speakers. You will find that so many Members of this august House are also not happy that the right to work has not been included in either the directive principles or the fundamental rights. The introduction of it in this way does not necessarily make it an immediate compulsion for the Government to spend a lot of money to ensure immediate jobs, because this is not a thing that we can do overnight, but it gives the Government a chance to show its goodwill in trying to achieve the material amenities that are absolutely necessary in order to have a society which we can call socialist, to show it is prepared to go in that direction. That is what is actually aimed at by this sub-clause that I want to introduce.

If you read this sub-clause together with the Chapter on fundamental duties that has been introduced, you will find that a comprehensive meaning of the word "socialism" is given in such a way that I am quite sure that almost all, if not all, the august Members of this House would agree.

MR. SPEAKER: It has been decided that each Member will have not more than five minutes.

SHRI NIMBALKAR: That depends also on the nature of the amendment. I am trying to bring into the Constitution something which is basic to the entire country. I am sure there will be nobody in the entire country who will say "no" to this. Nobody who is really socialist-minded can say "no" to this. Mr. Gokhale might change a word here or there, as I am not a lawyer, but the point is that the gist of it cannot be objected to by anyone. If you do not even endeavour to be socialist, how can you put the word "socialist" in the Preamble?

If what I have put into this sub-clause is taken up by any other party, it will be a tremendous blow to the Congress Party. All the time we have been talking about *garibi hatao*. What is *garibi hatao*? You read this and you will find what it means. You read it together with the duties that you are imposing on the people and you will find that we have also to perform certain duties. Where are those duties? Mr. Gokhale will point out one or two clauses, as he has already done but those clauses alone do not suffice. Here is a comprehensive meaning that I am giving, and these are things that any Indian, rich or poor would like to have.

You are saying, for instance, that the right to property should be taken away from the fundamental rights.

If one is really an educated man, then I tell you that he will not care for property. If you study all these clauses very carefully, then you will

come to know about the property right and the fundamental rights. A fundamental right is a piece of paper. It is we who have to give the meaning; it is the people who have to give the meaning. This is the basic thing that we are fighting for. Mr. Gokhale says that he is in a hurry to develop this country. I want to know in which direction he wants to develop it. Don't we have to give them the direction; don't we have to show them that this is what we are trying to give you? That is the reason why we need these laws and we want to change the Constitution. People will not believe us if we go on in this manner.

MR. CHAIRMAN: Now the voting will start. You can conclude your speech.

SHRI NIMBALKAR: I can continue tomorrow.

MR. SPEAKER: Yes. He has already taken ten minutes.

We shall now take voting on the clauses. Let us take Clause 2. Unless any hon. Member wants me to put his amendments separately, I will put all the amendments together.

Now I will put all the amendments to Clause 2 together to the vote of the House.

Amendments Nos. 1, 40, 192, 228, 252, 260, 272, 290, 291, 350, 361, 362, 402, 414 and 493 to Clause 2 were put and negatived.

MR. SPEAKER: Let the Lobbies be cleared..... The Lobbies have been cleared. I now put Clause 2 to the vote of the House.

The question is:

"That Clause 2 stand part of the Bill."

The Lok Sabha divided.

AYES

Division No. 2]

[17.35 hrs..

Achal Singh, Shri
 Aga, Shri Syed Ahmed
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O. V.
 Ambesh, Shri
 Anand Singh, Shri
 Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Appalanaidu, Shri
 Arvind Netam, Shri
 Austin, Dr. Henry
 Awdhesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banera, Shri Hamendra Singh
 Banerjee, Shri S. M.
 Banerjee, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrat
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri H. K. L.
 Bhargava, Shri Basheshwar Nath
 Bhargavi Thankappan, Shrimati
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Bhaura, Shri B. S.
 Bheeshmadev, Shri M.
 Bhuvarahan, Shri G.
 Bist, Shri Narendra Singh
 Brij Raj Singh—Kotah, Shri
 Buta Singh, Shri
 Chakleshwar Singh, Shri

Chandra Gowda, Shri D. B.	Gandhi, Shrimati Indira
Chandra Sekhar Singh, Shri	Ganesh, Shri K. R.
Chandrakar, Shri Chandulal	Ganga Devi, Shrimati
Chandrappan, Shri C. K.	Gangadeb, Shri P.
Chandrashekharappa Veerabasappa, Shri T. V.	Gautam, Shri C. D.
Chandrika Prasad, Shri	Gavit, Shri T. H.
Chaturvedi, Shri Rohan Lal	George, Shri A. C.
Chaudhary, Shri Nitiraj Singh	Ghosh, Shri P. K.
Chavan, Shrimati Premalabai	Gill, Shri Mohinder Singh
Chavan, Shri Yeshwantrao	Giri, Shri V. Shanker
Chellachami, Shri A. M.	Godara, Shri Mani Ram
Chhotey Lal, Shri	Godfrey, Shrimati M.
Chhutten Lal, Shri	Gogoi, Shri Tarun
Choudhary, Shri B. E.	Gohain, Shri C. C.
Daga, Shri M. C.	Gokhale, Shri H. R.
Dalbir Singh, Shri	Gomango, Shri Giridhar
Dalip Singh, Shri	Gopal, Shri K.
Damani, Shri S. R.	Goswami, Shri Dinesh Chandra
Darbara Singh, Shri	Gotkhinde, Shri Annasaheb
Das, Shri Anadi Charan	Gowda, Shri Pampan
Das, Shri Dharnidhar	Gupta, Shri Indrajit
Dasappa, Shri Tulsidas	Hansda, Shri Subodh
Daschowdhury, Shri B. K.	Hanumanthaiya, Shri K.
Deo, Shri R. R. Singh	Hari Kishore Singh, Shri
Deo, Shri S. N. Singh	Hari Singh, Shri
Desai, Shri D. D.	Hashim, Shri M. M.
Deshmukh, Shri K. G.	Ishaque, Shri A. K. M.
Deshmukh, Shri Shivaji Rao S.	Jadeja, Shri D. P.
Deshpande, Shrimati Roza	Jaffer Sharief, Shri C. K.
Dhamankar, Shri	Jagjivan Ram, Shri
Dharamgaj Singh, Shri	Jamilurrahman, Shri Md.
Dhillon, Dr. G. S.	Janardhanan, Shri C.
Dhote, Shri Jambuwant	Jeyalakshmi, Shrimati V.
Dhusia, Shri Anant Prasad	Jha, Shri Bhogendra
Dinesh Singh, Shri	Jha, Shri Chiranjib
Dixit, Shri G. C.	Jharkhande Rai, Shri
Dixit, Shri Jagdish Chandra	Jhunjhunwala, Shri Bishwanath
Doda, Shri Hiralal	Jitendra Prasad, Shri
Dube, Shri J. P.	Joshi, Shri Popatlal M.
Dumada, Shri L. K.	Joshi, Shrimati Subhadra
Dwivedi, Shri Nageshwar	Kadam, Shri Dattajirao
Engti, Shri Biren	Kadam, Shri J. G.
Gaekwad, Shri Fatesinghrao	Kadannappalli, Shri Ramachandra

Kader, Shri S. A.	Malhotra, Shri Inder J.
Kahandole, Shri Z. M.	Mallanna, Shri K.
Kailas, Dr.	Mallikarjun, Shri
Kakodkar, Shri Purushottam	Mandal, Shri Jagdish Narain
Kakoti, Shri Robin	Mandal, Shri Yamuna Prasad
Kalingarayar, Shri Mohanraj	Manhar, Shri Bhagatram
Kalyanasundaram, Shri M.	Manjhi, Shri Bhola
Kamakshaiah, Shri D.	Martand Singh, Shri
Kamala Prasad, Shri	Maurya, Shri B. P.
Kamble, Shri N. S.	Mehta, Dr. Mahipatray
Kamble, Shri T. D.	Melkote, Dr. G. S.
Kamla Kumari, Kumari	Mirdha, Shri Nathu Ram
Kapur, Shri Sat Pal	Mishra, Shri Bibhuti
Karan Singh, Dr.	Mishra, Shri G. S.
Kathamuthu, Shri M.	Mishra, Shri Jagannath
Kavde, Shri B. R.	Misra, Shri S. N.
Kedar Nath Singh, Shri	Modi, Shri Shrikishan
Khadilkar, Shri R. K.	Mohammad Yusuf, Shri
Khan, Shri I. H.	Mohapatra, Shri Shyam Sunder
Kinder Lal, Shri	Mohsin, Shri F. H.
Kisku, Shri A. K.	Mukerjee, Shri H. N.
Kotoki, Shri Liladhar	Munsi, Shri Priya Ranjan Das
Kotrashetti, Shri A. K.	Murmu, Shri Yogesh Chandra
Koya, Shri C. H. Mohamed	Muruganantham, Shri S. A.
Krishnan, Shri G. Y.	Nahata, Shri Amrit
Krishnan, Shrimati Parvathi	Naik, Shri B. V.
Krishnappa, Shri M. V.	Nanda, Shri G. L.
Kulkarni, Shri Raja	Nayak, Shri Baksi
Kureel, Shri B. N.	Negi, Shri Pratap Singh
Kushok Bakula, Shri	Nimbalkar, Shri
Lakkappa, Shri K.	Oraon, Shri Kartik
Lakshminarayanan, Shri M. R.	Oraon, Shri Tuna
Lambodar Baliyar, Shri	Pahadia, Shri Jagannath
Laskar, Shri Nihar	Painuli, Shri Paripoornanand
Lutfal Haque, Shri	Palodkar, Shri Manikrao
'Madhukar', Shri K. M.	Pandey, Shri Damodar
Mahajan, Shri Vikram	Pandey, Shri Krishna Chandra
Mahajan, Shri Y. S.	Pandey, Shri Narsingh Narain
Maharaj Singh, Shri	Pandey, Shri R. S.
Mahishi, Dr. Sarojini	Pandey, Shri Sarjoo
Majhi, Shri Gajadhar	Pandey, Shri Sudhakar
Majhi, Shri Kumar	Pandey, Shri Tarkeshwar
Malaviya, Shri K. D.	Pandit, Shri S. T.

Panigrahi, Shri Chintamani	Rao, Shri M. Satyanarayan
Pant, Shri K. C.	Rao, Shri Nageswara
Paokai Haokip, Shri	Rao, Shri P. Ankineedu Prasada
Parikh, Shri Rasiklal	Rao, Shri Pattabhi Rama
Parthasarathy, Shri P.	Rao, Shri Rajagopala
Paswan, Shri Ram Bhagat	Rao, Dr. V. K. R. Varadaraja
Patel, Shri Arvind M.	Rathia, Shri Umed Singh
Patel, Shri Natwarlal	Raut, Shri Bholu
Patel, Shri Prabhudas	Ravi, Shri Vayalar
Patel, Shri R. R.	Ray, Shrimati Maya
Patil, Shri Anantrao	Reddy, Shri K. Kodanda Rama
Patil, Shri C. A.	Reddy, Shri K. Ramakrishna
Patil, Shri E. V. Vikhe	Reddy, Shri M. Ram Gopal
Patil, Shri Krishnarao	Reddy, Shri P. Bayapa
Patil, Shri T. A.	Reddy, Shri P. Ganga
Patnaik, Shri Banamali	Reddy, Shri P. Narasimha
Patnaik, Shri J. B.	Reddy, Shri P. V.
Peje, Shri S. L.	Reddy, Shri Sidram
Pradhan, Shri Dhan Shah	Richhariya, Dr. Govind Das
Pradhani, Shri K.	Rohatgi, Shrimati Sushila
Purty, Shri M. S.	Roy, Shri Bishwanath
Qureshi, Shri Mohd Shafi	Saini, Shri Mulki Raj
Raghu Ramaiah, Shri K.	Sait, Shri Ebrahim Sulaiman
Rai, Shri S. K.	Salve, Shri N. K. P.
Rai, Shrimati Sahodrabai	Samanta, Shri S. C.
Raj Bahadur, Shri	Sambhali, Shri Ishaque
Raju, Shri M. T.	Sangliana, Shri
Raju, Shri P. V. G.	Sankata Prasad, Dr.
Ram Dayal, Shri	Sant Bux Singh, Shri
Ram Hedaoo, Shri	Sathe, Shri Vasant
Ram Prakash, Shri	Satish Chandra, Shri
Ram Sewak, Ch.	Satpathy, Shri Devendra
Ram Singh Bhai, Shri	Savant, Shri Shankerrao
Ram Surat Prasad, Shri	Savitri Shyam, Shrimati
Ram Swarup, Shri	Sayeed, Shri P. M.
Ramji Ram, Shri	Sen, Dr. Ranen
Ramshekhar Prasad Singh, Shri	Sethi, Shri Arjun
Ranabahadur Singh, Shri	Shafee, Shri A.
Rao, Shrimati B. Radhabai A.	Shafquat Jung, Shri
Rao, Shri J. Rameshwar	Shahnawaz Khan, Shri
Rao, Shri Jagannath	Shambhu Nath, Shri
Rao, Dr. K. L.	Shankar Dayal Singh, Shri
Rao, Shri K. Narayana	Shankaranand, Shri B.
Rao, Shri M. S. Sanjeevi	Sharma, Dr. H. P.

Sharma, Shri Madhoram	Uikey, Shri M. G.
Sharma, Shri Nawal Kishore	Vekaria, Shri
Sharma, Dr. Shanker Dayal	Venkatasubbaiah, Shri P.
Shashi Bhushan, Shri	Venkateswamy, Shri G.
Shastri, Shri Biswanarayan	Verma, Shri Balgovind
Shastri, Shri Ramavtar	Verma, Shri Sukhdeo Prasad
Shastri, Shri Sheopujan	Vijay Pal Singh, Shri
Shetty, Shri K. K.	Vikal, Shri Ram Chandra
Shinde, Shri Annasaheb P.	Yadav, Shri Chandrajit
Shivappa, Shri N.	Yadav, Shri D. P.
Shivnath Singh, Shri	Yadav, Shri Karan Singh
Shukla, Shri B. R.	Yadav, Shri N. P.
Shukla, Shri Vidya Charan	Yadav, Shri R. P.
Siddheshwar Prasad, Prof.	Zulfiqar Ali Khan, Shri
Singh, Shri Vishwanath Pratap	
Sinha, Shri Dharam Bir	NOES
Sinha, Shri Nawal Kishore	Nil
Sinha, Shri R. K.	
Sohan Lal, Shri T.	
Sokhi, Sardar Swaran Singh	
Stephen, Shri C. M.	
Subramaniam, Shri C.	MR. SPEAKER: The *result of the
Sudarsanam, Shri M.	division is: Ayes 353; Noes nil.
Sunder Lal, Shri	
Surendra Pal Singh, Shri	The motion is carried by a major-
Suryanarayana, Shri K.	ity of the total membership of the
Swaminathan, Shri R. V.	House and by a majority of not
Swamy, Shri Sidrameshwar	less than two-thirds of the Members
Swaran Singh, Shri	present and voting.
Tarodekar, Shri V. B.	<i>The motion was adopted.</i>
Tayyab Hussain, Shri	<i>Clause 2 was added to the Bill.</i>
Tewari, Shri Shankar	
Thakre, Shri S. B.	Clause 3
Tiwari, Shri Chandra Bhal Manj	MR. SPEAKER: We now take up
Tiwari, Shri R. G.	Clause 3. The doors will not be
Tiwary, Shri D. N.	opened till all the divisions are com-
Tombi Singh, Shri N.	pleted.
Tula Ram, Shri	There are no amendments to
Tulsiram, Shri V.	Clause 3.

*The following Members also recorded their votes for AYES:

Sarvashri K. Chikkalingaiah, B. S. Murthy, A. K. Sen, Krishnarao Thakur and Genda Singh.

AYES

Division No. 3

[17.37 hrs.]

Achal Singh, Shri	Chakleshwar Singh, Shri
Aga, Shri Syed Ahmed	Chandra Gowda, Shri D. B.
Agrawal, Shri Shrikrishna	Chandra Shekhar Singh, Shri
Ahirwar, Shri Nathu Ram	Chandrakar, Shri Chandulal
Alagesan, Shri O. V.	Chandrappan, Shri C. K.
Ambesh, Shri	Chandrashekharappa Veerabasappa, Shri T. V.
Anand Singh, Shri	Chandrika Prasad, Shri
Ankineedu, Shri Maganti	Chaturvedi, Shri Rohan Lal
Ansari, Shri Ziaur Rahman	Chaudhary, Shri Nitiraj Singh
Appalanaidu, Shri	Chavan, Shrimati Premalabai
Arvind Netam, Shri	Chavan, Shri Yeshwantrao
Austin, Dr. Henry	Chellachami, Shri A. M.
Awdhesh Chandra Singh, Shri	Chhotey Lal, Shri
Azad, Shri Bhagwat Jha	Chhutten Lal, Shri
Aziz Imam, Shri	Chikkalingaiah, Shri K.
Babunath Singh, Shri	Choudhary, Shri B. E.
Bajpai, Shri Vidya Dhar	Daga, Shri M. C.
Balakrishniah, Shri T.	Dalbir Singh, Shri
Banamali Babu, Shri	Dalip Singh, Shri
Banera, Shri Hamendra Singh	Damani, Shri S. R.
Banerjee, Shri S. M.	Darbara Singh, Shri
Banerjee, Shrimati Mukul	Das, Shri Anadi Charan
Barman, Shri R. N.	Das, Shri Dharnidhar
Barua, Shri Bedabrata	Dasappa, Shri Tulsidas
Barupal, Shri Panna Lal	Daschowdhury, Shri B. K.
Basappa, Shri K.	Deo, Shri R. R. Singh
Basumatari, Shri D.	Deo, Shri S. N. Singh
Besra, Shri S. C.	Desai, Shri D. D.
Bhagat, Shri H. K. L.	Deshmukh, Shri K. G.
Bhargava, Shri Basheshwar Nath	Deshmukh, Shri Shivaji Rao S.
Bhargavi Thankappan, Shrimati	Deshpande, Shrimati Roza
Bhatia, Shri Raghunandan Lal	Dhamankar, Shri
Bhattacharyya, Shri Chapalendu	Dharamgaj Singh, Shri
Bhaura, Shri B. S.	Dhillon, Dr. G. S.
Bheeshmadev, Shri M.	Dhote, Shri Jambuwant
Bhuvarahan, Shri G.	Dhusia, Shri Anant Prasad
Bist, Shri Narendra Singh	Dinesh Singh, Shri
Brij Raj Singh—Kotah, Shri	Dixit, Shri G. C.
Buta Singh, Shri	Dixit, Shri Jagdish Chandra
	Doda, Shri Hiralal
	Dumada, Shri L. K.
	Dwivedi, Shri Nageshwar

Engti, Shri Biren	Kadam, Shri J. G.
Gaekwad, Shri Fatesinghrao	Kadannappalli, Shri Ramchandran
Gandhi, Shrimati Indira	Kader, Shri S. A.
Ganesh, Shri K. R.	Kahandole, Shri Z. M.
Ganga Devi, Shrimati	Kailas, Dr.
Gangadeb, Shri P.	Kakodkar, Shri Purushottam
Gautam, Shri C. D.	Kakoti, Shri Robin
Gavit, Shri T. H.	Kalingarayar, Shri Mohanraj
George, Shri A. C.	Kalyanasundaram, Shri M.
Ghosh, Shri P. K.	Kamakshaiah, Shri D.
Gill, Shri Mohinder Singh	Kamala Prasad, Shri
Giri, Shri V. Shanker	Kamble, Shri N. S.
Godara, Shri Mani Ram	Kamble, Shri T. D.
Godfrey, Shrimati M.	Kamla Kumari, Kumari
Gogoi, Shri Tarun	Kapur, Shri Sat pal
Gohain, Shri C. C.	Karan Singh, Dr.
Gokhale, Shri H. R.	Kathamuthu, Shri M.
Gomango, Shri Giridhar	Kavde, Shri B. R.
Gopal, Shri K.	Kedar Nath Singh, Shri
Goswami, Shri Dinesh Chandra	Khadilkar, Shri R. K.
Gotkhinde, Shri Annasaheb	Khan, Shri I. H.
Gowda, Shri Pampan	Kinder Lal, Shri
Gupta, Shri Indrajit	Kisku, Shri A. K.
Hansda, Shri Subodh	Kotoki, Shri Liladhar
Hanumanthaiya, Shri K.	Kotrashetti, Shri A. K.
Hari Kishore Singh, Shri	Koya, Shri C. H. Mohamed
Hari Singh, Shri	Krishnan, Shri G. Y.
Hashim, Shri M. M.	Krishnan, Shrimati Parvathi
Ishaque, Shri A. K. M.	Krishnappa, Shri M. V.
Jadeja, Shri D. P.	Kulkarni, Shri Raja
Jaffer Sharief, Shri C. K.	Kureel, Shri B. N.
Jagjivan Ram, Shri	Kushok Bakula, Shri
Jamilurrahman, Shri Md.	Lakkappa, Shri K.
Janardhanan, Shri C.	Lakhsminarayanan, Shri M. R.
Jeyalakshmi, Shrimati V.	Lambodar Baliyar, Shri
Jha, Shri Bhogendra	Laskar, Shri Nihar
Jha, Shri Chiranjib	Lutfal Haque, Shri
Jharkhande Rai, Shri	'Madhukar', Shri K. M.
Jhunjhunwala, Shri Bishwanath	Mahajan, Shri Vikram
Jitendra Prasad, Shri	Mahajan, Shri Y. S.
Joshi, Shri Popatlal M.	Maharaj Singh, Shri
Joshi, Shrimati Subhadra	Mahishi, Dr. Sarojini
Kadam, Shri Dattajirao	Majhi, Shri Gajadhar
	Majhi, Shri Kumar

Malaviya, Shri K. D.	Pandey, Shri Sudhakar
Malhotra, Shri Inder J.	Pandey, Shri Tarkeshwar
Mallanna, Shri K.	Pandit, Shri S. T.
Mallikarjun, Shri	Panigrahi, Shri Chintamani
Mandal, Shri Jagdish Narain	Pant, Shri K. C.
Mandal, Shri Yamuna Prasad	Paokai Haokip, Shri
Manhar, Shri Bhagatram	Parthasarathy, Shri P.
Manjhi, Shri Bhola	Paswan, Shri Ram Bhagat
Maurya, Shri B. P.	Patel, Shri Arvind M.
Mehta, Dr. Mahipatray	Patel, Shri Natwarlal
Melkote, Dr. G. S.	Patel, Shri Prabhudas
Mirdha, Shri Nathu Ram	Patel, Shri R. R.
Mishra, Shri Bibhuti	Patil, Shri Anantrao
Mishra, Shri G. S.	Patil, Shri C. A.
Mishra, Shri Jagannath	Patil, Shri E. V. Vikhe
Misra, Shri S. N.	Patil, Shri Krishnarao
Modi, Shri Shrikishan	Patil, Shri T. A.
Mohammad Yusuf, Shri	Patnaik, Shri Banamali
Mohapatra, Shri Shyam Sunder	Patnaik, Shri J. B.
Mohsin, Shri F. H.	Peje, Shri S. L.
Muhammed Sheriff, Shri	Pradhan, Shri Dhan Shah
Mukerjee, Shri H. N.	Pradhani Shri K.
Munsi, Shri Priya Ranjan Das	Purty, Shri M. S.
Murmu, Shri Yogesh Chandra	Qureshi, Shri Mohd. Shafi
Muruganantham, Shri S. A.	Raghu Ramaiah, Shri K.
Nahata, Shri Amrit	Rai, Shri S. K.
Naik, Shri B. V.	Rai, Shrimati Sahodrabai
Nair, Shri Sreekantan	Raj Bahadur, Shri
Nanda, Shri G. L.	Raju, Shri M. T.
Nayak, Shri Baksi	Raju, Shri P. V. G.
Negi, Shri Pratap Singh	Ram Dayal, Shri
Nimalkar, Shri	Ram Hedaoc, Shri
Oraon, Shri Kartik	Ram Prakash, Shri
Oraon, Shri Tuna	Ram Sewak, Ch.
Pahadia, Shri Jagannath	Ram Surat Prasad, Shri
Painuli, Shri Paripoornanand	Ram Swarup Shri
Palodkar, Shri Manikrao	Ramji Ram, Shri
Panda, Shri D. K.	Ramshekhar Prasad Singh, Shri
Pandey, Shri Damodar	Ranabahadur Singh, Shri
Pandey, Shri Krishna Chandra	Rao, Shrimati B. Radhabai A.
Pandey, Shri Na singh Narain	Rao, Shri J. Rameshwar
Pandey, Shri R. S.	Rao, Shri Jagannath
Pandey, Shri Sarjoo	

Rao, Dr. K. L.	Shafquat Jung, Shri
Rao, Shri K. Narayana	Shahnawaz Khan, Shri
Rao, Shri M. S. Sanjeevi	Shambhu Nath, Shri
Rao, Shri M. Satyanareyan	Shankar Dayal Singh, Shri
Rao, Shri Nageswara	Sharma, Dr. H. P.
Rao, Shri Ankineedu Prasada	Sharma, Shri Madhoram
Rao, Shri Pattabhi Rama	Sharma, Shri Nawal Kishore
Rao, Shri Rajagopala	Sharma, Dr. Shanker Dayal
Rao, Dr. V. K. R. Varadaraja	Shashi Bhushan, Shri
Rathia, Shri Umed Singh	Shastri, Shri Biswanarayan
Raut, Shri Bhola	Shastri, Shri Ramavtar
Ravi, Shri Vayalar	Shastri, Shri Sheopujan
Ray, Shrimati Maya	Shetty, Shri K. K.
Reddy, Shri K. Kodanda Rama	Shinde, Shri Annasaheb P.
Reddy, Shri K. Ramakrishna	Shivappa, Shri N.
Reddy, Shri M. Ram Gopal	Shivnath Singh, Shri
Reddy, Shri P. Bayapa	Shukla, Shri B. R.
Reddy, Shri P. Ganga	Shukla, Shri Vidya Charan
Reddy, Shri P. Narasimha	Siddheshwar Prasad, Prof.
Reddy, Shri P. V.	Singh, Shri Vishwanath Pratap
Reddy, Shri Sidram	Sinha, Shri Dharam Bir
Richhariya, Dr. Govind Das	Sinha, Shri Nawal Kishore
Rohatgi, Shrimati Sushila	Sinha, Shri R. K.
Roy, Shri Bishwanath	Sohan Lal, Shri T.
Saini, Shri Mulki Raj	Sokhi, Sardar Swaran Singh
Sait, Shri Ebrahim Sulaiman	Stephen, Shri C. M.
Salve, Shri N. K. P.	Subramaniam, Shri C.
Samanta, Shri S. C.	Sudarsanam, Shri M.
Sambhali, Shri Ishaque	Sunder Lal, Shri
Sangliana, Shri	Surendra Pal Singh, Shri
Sankata Prasad, Dr.	Suryanarayana, Shri K.
Sant Bux Singh, Shri	Swaminathan, Shri R. V.
Sathe, Shri Vasant	Swamy, Shri Sidrameshwar
Satish Chandra, Shri	Swaran Singh, Shri
Satpathy, Shri Devendra	Tarodekar, Shri V. B.
Savant, Shri Shankerrao	Tayyab Hussain, Shri
Savitri Shyam, Shrimati	Tewari, Shri Shankar
Sayeed, Shri P. M.	Thakre, Shri S. B.
Sen, Shri A. K.	Thakur, Shri Krishnarao
Sen, Dr. Ranen	Tiwari, Shri Chandra Bhal Mani
Sethi, Shri Arjun	Tiwari, Shri R. G.
Shafee, Shri A.	Tiwary, Shri D. N.

Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Ukey, Shri M. G.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vijay Pal Singh, Shri
 Vikal, Shri Ram Chandra
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav Shri R. P.
 Zulfiqar Ali Khan, Shri

NOES

Nil

MR. SPEAKER: The* result of the division is: Ayes...354; Noes...nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4

MR. SPEAKER: There are two Amendments to Clause 4, Amendment No. 206 moved by Shri P. Narasimha Reddy and Amendment No. 304 moved by Shri Ebrahim Sulaiman Sait. I will put both the amendments together to the vote of the House.

Amendments Nos. 206 and 304 were put and negatived.

MR. SPEAKER: The question is: "That clause 4 stand part of the Bill."

The Lok Sabha divided:

AYES

Division No. 4]

Achal Singh, Shri
 Aga, Shri Syed Ahmed
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O. V.
 Ambesh, Shri
 Anand Singh, Shri
 Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Appalanaidu, Shri
 Arvind Netam, Shri
 Austin, Dr. Henry
 Awdhesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banera, Shri Hamendra Singh
 Banerjee, Shri S. M.
 Banerjee, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri, S. C.

*The following Members also recorded their votes for AYES:

Sarvashri B. Shankaranand, J. P. Dube, B. S. Murthy, Rasikhla Parikh, Genda Singh and Martand Singh

Bhagat, Shri H. K. L.	Dhamankar, Shri
Bhargava, Shri Basheshwar Nath	Dharamgaj Singh, Shri
Bhargavi Thankappan, Shrimati	Dhillon, Dr. G. S.
Bhatia, Shri Raghunandan Lal	Dhusia, Shri Anant Prasad
Bhattacharyya, Shri Chapalendu	Dinesh Singh, Shri
Baura, Shri B. S.	Dixit, Shri G. C.
Bheeshmadev, Shri M.	Dixit, Shri Jagdish Chandra
Bhuvarahan, Shri G.	Doda, Shri Hiralal
Bist, Shri Narendra Singh	Dube, Shri J. P.
Brij Raj Singh—Kotah, Shri	Dumada, Shri L. K.
Buta Singh, Shri	Dwivedi, Shri Nageshwar
Chakleshwar Singh, Shri	Engti, Shri Biren
Chandra Gowda, Shri D. B.	Gaekwad, Shri Fatesinghrao
Chandra Shekhar Singh, Shri	Gandhi, Shrimati Indira
Chandrakar, Shri Chandulal	Ganesh, Shri K. R.
Chandrappan, Shri C. K.	Ganga Devi, Shrimati
Chandrashekharappa Veerabasappa, Shri T. V.	Gangadeb, Shri P.
Chandrika Prasad, Shri	Gautam, Shri C. D.
Chaturvedi, Shri Rohan Lal	Gavit, Shri T. H.
Chaudhary, Shri Nitiraj Singh	George, Shri A. C.
Chavan, Shrimati Premalabai	Ghosh, Shri P. K.
Chavan, Shri Yeshwantrao	Gill, Shri Mohinder Singh
Chellachami, Shri A. M.	Giri, Shri V. Shanker
Chhotey Lal, Shri	Godara, Shri Mani Ram
Chhutten Lal, Shri	Godfrey, Shrimati M.
Chikkalingaiah, Shri K.	Gogoi, Shri Tarun
Choudhary, Shri B. E.	Gohain, Shri C. C.
Daga, Shri M. C.	Gokhale, Shri H. R.
Dalbir Singh, Shri	Gomango, Shri Giridhar
Dalip Singh, Shri	Gopal, Shri K.
Damani, Shri S. R.	Goswami, Shri Dinesh Chandra
Darbara Singh, Shri	Gotkhinde, Shri Annasaheb
Das, Shri Anadi Charan	Gowda, Shri Pampan
Das, Shri Dharnidhar	Gupta, Shri Indrajit
Dasappa, Shri Tulsidas	Hansda, Shri Subodh
Daschowdhury, Shri B. K.	Hanumanthaiya, Shri J
Deo, Shri R. R. Singh	Hari Kishore Singh, Shri
Deo, Shri S. N. Singh	Hari Singh, Shri
Desai, Shri D. D.	Hashim, Shri M. M.
Deshmukh, Shri K. G.	Ishaque, Shri A. K. M.
Deshmukh, Shri Shivaji Rao S.	Jadeja, Shri D. P.
Deshpande, Shrimati Roza	Jaffer Sharief, Shri C. K.
	Jagjivan Ram, Shri

Jamilurrahman, Shri Md.	Lakshminarayanan, Shri M. R.
Janardhanan, Shri C.	Lambodar Beliyar, Shri
Jeyalakshmi, Shrimati V.	Lashar, Shri Nihar
Jha, Shri Bhogendra	Lutfal Haque, Shri
Jha, Shri Chiranjib	'Madhukar', Shri K. M.
Jharkhande Rai, Shri	Mahajan, Shri Vikram
Jhunjhunwala, Shri Bishwanath	Mahajan, Shri Y. S.
Jitendra Prasad, Shri	Maharaj Singh, Shri
Joshi, Shri Popatlal M.	Mahishi, Dr. Sarojini
Joshi, Shrimati Subhadra	Majhi, Shri Gajadhar
Kadam, Shri Dattajirao	Majhi, Shri Kumar
Kadam, Shri J. G.	Malaviya, Shri K. D.
Kadannappalli, Shri Ramachandran	Malhotra, Shri Inder J.
Kader, Shri S. A.	Mallanna, Shri K.
Kahandole, Shri Z. M.	Mallikarjun, Shri
Kailas, Dr.	Mandal, Shri Jagdish Narain
Kakodkar, Shri Purushottam	Mandal, Shri Yamuna Prasad
Kakoti, Shri Robin	Manhar, Shri Bhagatram
Kalingarayar, Shri Mohanraj	Manjhi, Shri Bhola
Kalyanasundarah, Shri M.	Maurya, Shri B. P.
Kamakshalah, Shri D.	Mehta, Dr. Mahipatray
Kamala Prasad, Shri	Melkote, Dr. G. S.
Kamble, Shri N. S.	Mirdha, Shri Nathu Ram
Kamble, Shri T. B.	Mishra, Shri Bibhuti
Kamla Kumari, Kumari	Mishra, Shri G. S.
Kapur, Shri Sat Pal	Mishra, Shri Jagannath
Karan Singh, Dr.	Misra, Shri S. N.
Kathamuthu, Shri M.	Modi, Shri Shrikishan
Kavde, Shri B. R.	Mohammad Yusuf, Shri
Kedar Nath Singh, Shri	Mohapatra, Shri Shyam Sunder
Khadilkar, Shri R. K.	Mohsin, Shri F. H.
Khan, Shri I. H.	Mukherjee, Shri H. N.
Kinder Lal, Shri	Munsi, Shri Priya Ranjan Das
Kisku, Shri A. K.	Murmu, Shri Yogesh Chandra
Kotok, Shri Liladhar	Murthy, Shri B. S.
Kotrashetti, Shri A. K.	Muruganantham, Shri S. A.
Krishnan, Shri G. Y.	Nahata, Shri Amrit
Krishnan, Shrimati Parvathi	Naik, Shri B. V.
Krishnappa, Shri M. V.	Nanda, Shri G. L.
Kulkarni, Shri Raja	Nayak, Shri Baksi
Kureel, Shri B. N.	Negi, Shri Pratap Singh
Kushok Bakula Shri	Nimbalkar, Shri
Lakkappa, Shri K.	Oraon, Shri Kartik

Oraon, Shri Tuna	Ram Sewak, Ch.
Pahadia, Shri Jagannath	Ram Singh Bhai, Shri
Painuli, Shri Paripoornanand	Ram Surat Prasad, Shri
Palodikar, Shri Manikrao	Ram Swarup, Shri
Panda, Shri D. K.	Ramji Ram, Shri
Pandey, Shri Damodar	Ramshekhar Prashad Singh, Shri
Pandey, Shri Krishna Chandra	Ranabahadur Singh, Shri
Pandey, Shri Narsingh Narain	Rao, Shrimati B. Radhabai A.
Pandey, Shri R. S.	Rao, Shri J. Rameshwar
Pandey, Shri Sarjoo	Rao, Shri Jagannath
Pandey, Shri Sudhakar	Rao, Dr. K. L.
Pandey, Shri Tarkeshwar	Rao, Shri K. Narayana
Pandit, Shri S. T.	Rao, Shri M. S. Sanjeevi
Panigrahi, Shri Chintamani	Rao, Shri M. Satyanarayan
Pant, Shri K. C.	Rao, Shri Nageswara
Paokai Haokip, Shri	Rao, Shri P. Ankineedu Prasad
Parikh, Shri Rasiklal	Rao, Shri Pattabhi Rama
Parthasarathy, Shri P.	Rao, Shri Rajagopala
Paswan, Shri Ram Bhagat	Rao, Dr. V. K. R. Varadaraja
Patel, Shri Arvind M.	Rathai, Shri Umed Singh
Patel, Shri Natwarlal	Faut, Shri Bhola
Patel, Shri Prabhudas	Ravi, Shri Vayalar
Patel, Shri R. R.	Ray, Shrimati Maya
Patil, Shri Anantra	Reddi, Shri P. Antony
Patil, Shri C. A.	Reddy, Shri K. Kodanda Ramam
Patil, Shri E. V. Vikhe	Reddy, Shri K. Ramakrishna
Patil, Shri Krishnarao	Reddy, Shri M. Ram Gopal
Patil, Shri T. A.	Reddy, Shri P. Bayapa
Patnaik, Shri Banamali	Reddy, Shri P. Ganga
Patnaik, Shri J. B.	Reddy, Shri P. Narasimha
Peje, Shri S. L.	Reddy, Shri P. V.
Pradhan, Shri Dhan Shah	Reddy, Shri Sidram
Pradhan, Shri K.	Richhariya, Dr. Govind Das
Purty, Shri M. S.	Rohatgi, Shrimati Sushila
Quershi, Shri Mohd. Shafi	Roy, Shri Bishwanath
Raghu Ramaiah, Shri K.	Saini, Shri Mulki Raj
Rai, Shri S. K.	Salve, Shri N. K. P.
Rai, Shrimati Sahodrabai	Samanta, Shri S. C.
Raj, Bahadur, Shri	Sambhali, Shri Ishaque
Raju, Shri M. T.	Sangliana, Shri
Raju, Shri P. V. G.	Sankata Prasad, Dr.
Ram Dayal, Shri	Sant Bux Singh, Shri
Ram Prakash, Shri	Sathe, Shri Vasant

Satish Chandra, Shri	Sundera Pal Singh, Shri
Satpathy, Shri Devendra	Suryanarayana, Shri K.
Savant, Shri Shankerrao	Swaminathan, Shri R. V.
Savitri Shyam, Shrimati	Swamy, Shri Sidrameshwar
Sayeed, Shri P. M.	Swaran Singh, Shri
Sen, Shri A. K.	Tarodekar, Shri V. B.
Sen, Dr. Ranen	Tayyab Hussain, Shri
Sethi, Shri Arjun	Tewari, Shri Shankar
Shafee, Shri A.	Thakre, Shri S. B.
Shafquat Jung, Shri	Thakur, Shri Krishnarao
Shaimawaz Khan, Shri	Tiwari, Shri Chandra Bhal Mani
Shambhu Nath, Shri	Tiwari, Shri R. G.
Shankar Dayal Singh, Shri	Tiwary, Shri D. N.
Shankaranaud, Shri B.	Tombi Singh, Shri N.
Sharma, Dr. H. P.	Tula Ram, Shri
Sharma, Shri Madhoram	Tulsiram, Shri V.
Sharma, Shri Nawal Krshore	Uikey, Shri M. G.
Sharma, Dr. Shunker Dayal	Vekaria, Shri
Shashi Bhushan, Shri	Venkatasubbaiah, Shri P.
Shastri, Shri Biswanarayan	Venkateswamy, Shri G.
Shastri, Shri Ramavatar	Verma, Shri Balgovind
Shastri, Shri Sheopujan	Verma, Shri Sukhdeo Prasad
Shetty, Shri K. K.	Vijay Pal Singh, Shri
Shinde, Shri Annasaheb P.	Vikal, Shri Ram Chandra
Shivappa, Shri N.	Yadav, Shri Chandrajit
Shivnath Singh, Shri	Yadav, Shri D. P.
Shukla, Shri B. R.	Yadav, Shri Karan Singh
Shukla, Shri Vidya Charan	Yadav, Shri N. P.
Siddheshwar Prasad, Prof.	Yadav, Shri R. P.
Singh, Shri Vishwanath Pratap	Zulfiqar Ali Khan, Shri
Sinha, Shri Dharam Bir	
Sinha, Shri Nawal Kishore	NOES
Sinha, Shri R. K.	Koya, Shri C. H. Mohamed
Sohan Lal, Shri T.	**Martand Singh, Shri
Sokhi, Sardar Swaran Singh	Muhammed Sheriff, Shri
Stephen, Shri C. M.	Sait, Shri Ebrahim Sulaiman
Subramaniam, Shri C.	Saksena, Prof. S. L.
Sudarshanam, Shri M.	
Sunder Lal, Shri	MR. SPEAKER: The result of the division is: Ayes 354; Noes 5.

**Wrongly voted for NOES.

[†]The following Members also recorded their votes for AYES:
Sarvshri Genda Singh and Martand Singh.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5

MR. SPEAKER: There is a Government amendment, No. 549. I shall put it to the vote of the House.

The question is:

'Page 2, line 24,—

for "(Forty-fourth Amendment)" substitute—

"(Forty-second Amendment)." (549).

The motion was adopted.

MR. SPEAKER: Shall I put all the other amendments together to the vote of the House?

SHRI RAMAVATAR SHASTRI (Patna): Amendment No. 451 may be put separately.

MR. SPEAKER: I shall now put Amendment No. 451, moved by Shri Indrajit Gupta, to the vote of the House.

The question is:

"Page 2,—

omit lines 43 to 45 (451).

The Lok Sabha divided:

AYES

Division No. 5] [17.44 hrs.

Banerjee, Shri S. M.

Bhargavi Thankappan, Shrimati

Bhaura, Shri B. S.

Chandra Shekhar Singh, Shri

Chandrappan, Shri C. K.
 Deshpande, Shrimati Roza
 Jha, Shri Bhogendra
 Jharkahande Rai, Shri
 Kalyanasundaram, Shri M.
 Kathamuthu, Shri M.
 Krishnan, Shrimati Parvathi
 Madhukar, Shri K. M.
 Manjhi, Shri Bholo
 Misra, Shri S. N.
 Mukherjee, Shri H. N.
 Muruganantham, Shri S. A.
 Nair, Shri Sreekanth
 Panda, Shri D. K.
 Pandey, Shri Sarjoo
 Saksena, Prof. S. L.
 Sambhali, Shri Ishaque
 Sen, Dr Ranen
 Shastri, Shri Ramavtar
 Vijay Pal Singh, Shri

NOES

Achal Singh, Shri
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O. V.
 Ambesh, Shri
 Anand Singh, Shri
 Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Appalanaidu, Shri
 Arvind Netam, Shri
 Austin, Dr. Henry
 Awdhesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banera, Shri Hamendra Singh
 Banerjee, Shrimati Mukul

Barman, Shri R. N.	Dhamankar, Shri
Barua, Shri Bedabrata	Dharamgaj Singh, Shri
Barupal, Shri Panna Lal	Dhillon, Dr. G. S.
Basappa, Shri K.	Dhusia, Shri Anant Prasad
Basumatari, Shri D.	Dinesh Singh, Shri
Besra, Shri S. C.	Dixit, Shri G. C.
Bhagat, Shri H. K. L.	Dixit, Shri Jagdish Chandra
Bhargava, Shri Basheshwar Nath	Doda, Shri Hiralal
Bhatia, Shri Raghunandan Lal	Dube, Shri J. P.
Bhattacharyya, Shri Chapalendu	Dwivedi, Shri Nageshwar
Bheeshmadev, Shri M.	Engti, Shri Biren
Bhuvarahan, Shri G.	Gaekwad, Shri Fatesinghrao
Bist, Shri Narendra Singh	Gandhi, Shrimati Indira
Brij Raj Singh—Kotah, Shri	Ganesh, Shri K. R.
Buta Singh, Shri	Ganga Devi, Shrimati
Chakleshwar Singh, Shri	Gangadeb, Shri P.
Chandra Gowda, Shri D. B.	Gautam, Shri C. D.
Chandrakar, Shri Chandulal	Gavit, Shri T. H.
Chandrashekharappa Veerabasappa, Shri T. V.	George, Shri A. C.
Chandrika Prasad, Shri	Ghosh, Shri P. K.
Chaturvedi, Shri Rohan Lal	Gill, Shri Mohinder Singh
Chaudhary, Shri Nitiraj Singh	Giri, Shri V. Shanker
Chavan, Shrimati Premalabai	Godara, Shri Mani Ram
Chavan, Shri Yeshwantrao	Godfrey, Shrimati M.
Chellachami, Shri A. M.	Gogoi, Shri Tarun
Chotey Lal, Shri	Gohain, Shri C. C.
Chhutten Lal, Shri	Gokhale, Shri H. R.
Chikkalingaiah, Shri K.	Gomango, Shri Giridhar
Choudhary, Shri B. E.	Gopal, Shri K.
Daga, Shri M. C.	Goswami, Shri Dinesh Chandra
Dalbir Singh, Shri	Gotkhinde, Shri Annaheb
Dalip Singh, Shri	Gowda, Shri Pampan
Darbara Singh, Shri	Hansda, Shri Subodh
Das, Shri Anadi Charan	Hanumanthaiya, Shri K.
Das, Shri Dharnidhar	Hari, Kishore Singh, Shri
Dasappa, Shri Tulsidas	Hari Singh, Shri
Daschowdhury, Shri B. K.	Hashim, Shri M. M.
Deo, Shri R. R. Singh	Ishaque, Shri A. K. M.
Deo, Shri S. N. Singh	Jadeja, Shri D. P.
Desai, Shri D. D.	Jaffer Sherief, Shri C. K.
Deshmukh, Shri K. G.	Jagjivan Ram, Shri
Deshmukh, Shri Shivaji Rao S.	Jamilurrahman, Shri Md.

*Janardhanan, Shri C.	Mahajan, Shri Vikram
Jeyalakshmi, Shrimati V.	Mahajan, Shri Y. S.
Jha, Shri Chiranjib	Maharaj Singh, Shri
Jhunjhunwala, Shri Bishwanath	Mahishi, Dr. Sarojini
Jitendra Prasad, Shri	Majhi, Shri Gajadhar
Joshi, Shri Popatlal M.	Majhi, Shri Kumar
Joshi, Shrimati Subhadra	Malaviya, Shri K. D.
Kadam, Shri Dattajirao	Malhotra, Shri Inder J.
Kadam, Shri J. G.	Mallanna, Shri K.
Kadannappalli, Shri Ramachandran	Mallikarjun, Shri
Kader, Shri S. A.	Mandal, Shri Jagdish Narain
Kahandole, Shri Z. M.	Mandal, Shri Yamuna Prasad
Kailas, Dr.	Manhar, Shri Bhagatram
Kakodkar, Shri Purushottam	Martand Singh, Shri
Kakoti, Shri Robin	Maurya, Shri B. P.
Kalingarayar, Shri Mohanraj	Mehta, Dr. Mahipatray
Kamakshaiah, Shri D.	Melkote, Dr. G. S.
Kamala Prasad, Shri	Mirdha, Shri Nathu Ram
Kamble, Shri N. S.	Mishra, Shri Bibhuti
Kamble, Shri T. D.	Mishra, Shri G. S.
Kamla Kumari, Kumari	Mishra, Shri Jagannath
Kapur, Shri Sat Pal	Modi, Shri Shrikishan
Karan Singh, Dr.	Mohammad Yusuf, Shri
Kavde, Shri B. R.	Mohapatra, Shri Shyam Sunder
Kedar Nath Singh, Shri	Mohsin, Shri F. H.
Khadilkar, Shri R. K.	Munsi, Shri Priya Ranjan Das
Khan, Shri I. H.	Murmu, Shri Yogesh Chandra
Kinder Lal, Shri	Murthy, Shri B. S.
Kisku, Shri A. K.	Nahata, Shri Amrit
Kotoki, Shri Liladhar	Nalk, Shri B. V.
Kotrashetti, Shri A. K.	Nanda, Shri G. L.
Koya, Shri C. H. Mohammed	Nayak, Shri Baksi,
Krishnan, Shri G. Y.	Negi, Shri Pratap Singh
Krishnappa, Shri M. V.	Nimbalkar, Shri
Kulkarni, Shri Raja	Oraon, Shri Kartik
Kureel, Shri B. N.	Oraon, Shri Tuna
Kushok Bakula, Shri	Pahadia, Shri Jagannath
Lakkappa, Shri K.	Painuli, Shri Paripoornanand
Lakshminarayanan, Shri M. R.	Palodkar, Shri Manikrao
Lambodar Baliyar, Shri	Pandey, Shri Damodar
Laskar, Shri Nihar	Pandey, Shri Krishna Chandra
Lutfal Haque, Shri	

*Wrongly voted for NOES.

Pandey, Shri Narsingh Narain	Rao, Shri Jagannath
Pandey, Shri R. S.	Rao, Dr. K. L.
Pandey, Shri Sudhakar	Rao, Shri K. Narayana
Pandey, Shri Tarkeshwar	Rao, Shri M. S. Sanjeevi
Pandit, Shri S. T.	Rao, Shri M. Satyanarayan
Panigrahi, Shri Chintamani	Rao, Shri Nageshwara
Pant, Shri K. C.	Rao, Shri P. Ankineedu Prasada
Paokai Haokip, Shri	Rao, Shri Pattabhi Rama
Parikh, Shri Rasiklal	Rao, Shri Rajagopala
Parthasarathy, Shri P.	Rao, Dr. V. K. R. Varadaraja
Paswan, Shri Ram Bhagat	Rathia, Shri Umed Singh
Patel, Shri Arvind M.	Raut, Shri Bhola
Patel, Shri Natwarlal	Ravi, Shri Vayalar
Patel, Shri Prabhudas	Ray, Shrimati Maya
Patel, Shri R. R.	Reddi, Shri P. Antony
Patil, Shri Anantrao	Reddy, Shri K. Kodanda Rama
Patil, Shri C. A.	Reddy, Shri K. Ramakrishna
Patil, Shri E. V. Vikhe	Reddy, Shri M. Ram Gopal
Patil, Shri Krishnarao	Reddy, Shri P. Bayapa
Patil, Shri T. A.	Reddy, Shri P. Ganga
Patnaik, Shri Banamali	Reddy, Shri P. Narasimha
Patnaik, Shri J. B.	Reddy, Shri P. V.
Peje, Shri S. L.	Reddy, Shri Sidram
Pradhan, Shri Dhan Shah	Richhariya, Dr. Govind Das
Pradhani, Shri K.	Rohatgi, Shrimati Sushila
Purty, Shri M. S.	Roy, Shri Bishwanath
Qureshi, Shri Mohd. Shafi	Saini, Shri Mulki Raj
Raghu Ramaiah, Shri K.	Salve, Shri N. K. P.
Rai, Shri S. K.	Samanta, Shri S. C.
Rai, Shrimati Sahodrabai	Sangliana, Shri
Raj Bahadur, Shri	Sankata Prasad, Dr.
Raju, Shri M. T.	Sant Bux Singh, Shri
Raju, Shri P. V. G.	Sathe, Shri Vasant
Ram Dayal, Shri	Satish Chandra, Shri
Ram Prakash, Shri	Satpathy, Shri Devendra
Ram Sewak, Ch.	Savant, Shri Shankerrao
Ram Singh Bhai, Shri	Savitri Shyam, Shrimati
Ram Surat Prasad, Shri	Sayeed, Shri P. M.
Ram Swarup, Shri	Sen, Shri A. K.
Ramji Ram, Shri	Sethi, Shri Arjun
Ramshekhar Prasad Singh, Shri	Shafee, Shri A.
Rao, Shrimati B. Radhabai A.	Shafquat Jung, Shri
Rao, Shri J. Rameshwar	

Shahnawaz Khan, Shri	Tiwari, Shri Chandra Bhal Mani
Shankar Dayal Singh, Shri	Tiwari, Shri R. G.
Shankaranand, Shri B.	Tiwary, Shri D. N.
Sharma, Dr. H. P.	Tombi Singh, Shri N.
Sharma, Shri Madhoram	Tula Ram, Shri
Sharma, Shri Nawal Kishore	Tulsiram, Shri V.
Sharma, Dr. Shanker Dayal	Uikey, Shri M. G.
Shashi Bhushan, Shri	Vekaria, Shri
Shastri, Shri Biswanarayan	Venkatasubbaiah, Shri P.
Shastri, Shri Sheopujan	Venkatswamy, Shri G.
Shetty, Shri K. K.	Verma, Shri Balgovind
Shinde, Shri Annasaheb P.	Verma, Shri Sukhdeo Prasad
Shivappa, Shri N.	Vikal, Shri Ram Chandra
Shivnath Singh, Shri	Yadav, Shri Chandrajit
Shukla, Shri B. R.	Yadav, Shri D. P.
Shukla, Shri Vidya Charan	Yadav, Shri Karan Singh
Siddheshwar Prasad, Prof.	Yadav, Shri N. P.
Singh, Shri Vishwanath Pratap	Yadav, Shri R. P.
Sinha, Shri Dharam Bir	Zulfiquar Ali Khan, Shri
Sinha, Shri Nawal Kishore	
Sinha, Shri R. K.	
Sohan Lal, Shri T.	
Sokhi, Sardar Swaran Singh	MR. SPEAKER: The result of the
Stephen, Shri C. M.	division is: Ayes 24; Noes 328.
Subramaniam, Shri C.	
Sudarsanam, Shri M.	
Sunder Lal, Shri	
Surendra Pal Singh, Shri	
Suryanarayana, Shri K.	
Swaminathan, Shri R. V.	
Swamy, Shri Sidrameshwar	
Swaran Singh, Shri	
Tarodekar, Shri V. B.	
Tayyab Hussain, Shri	
Tewari, Shri Shankar	
Thakre, Shri S. B.	
Thakur, Shri Krishnarao	

The motion was negatived.

MR. SPEAKER: Now, I shall put all the other amendments to clause 5 together to the vote of the House.

Amendments Nos. 25, 26, 41, 229 to 231, 273 to 277, 282, 292, 293, 305, 335, 363 to 374, 428, 437, 449, 450, 494 to 503, 553, 559, 560, and 571 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 5, as amended, stand part of the Bill."

The Lok Sabha divided:

*The following Members also recorded their votes:

AYES: Sarvashri Ebrahim Sulaiman Saif, Muhammed Sheriff, Indrajit Gupta and C. Janardhanan;

NOES: Sarvashri Shambhu Nath, L. K. Dumada, Ranabahadur Singh and Genda Singh.

Division No. 6]**[17.46 hrs.****AYES**

Achal Singh, Shri	Clause 5	Chandrashekharappa Veerabasappa,
Aga, Shri Syed Ahmed		Shri T. V.
Agrawal, Shri Shrikrishna		Chandrika Prasad, Shri .
Ahirwar, Shri Nathu Ram		Chaturvedi, Shri Rohan Lal
Alagesan, Shri O. V.		Chaudhary, Shri Nitiraj, Singh
Ambesh, Shri		Chavan, Shrimati Premalabai
Anand Singh, Shri		Chavan, Shri Yeshwantrao
Ankineedu, Shri Maganti		Chellachami, Shri A. M.
Ansari, Shri Ziaur Rahman		Chhotey Lal, Shri
Appalanaidu, Shri		Chhutten Lal, Shri
Arvind Netam, Shri		Chikkalingaiah, Shri K.
Austin, Dr. Henry		Choudhary, Shri B. E.
Awdhesh Chandra Singh, Shri		Daga, Shri M. C.
Azad, Shri Bhagwat Jha		Dalbir Singh, Shri
Aziz Imam, Shri		Dalip Singh, Shri
Babunath Singh, Shri		Damani, Shri S. R.
Bajpai, Shri Vidya Dhar		Darbara Singh, Shri
Balakrishniah, Shri T.		Das, Shri Anadi Charan
Banamali Babu, Shri		Das, Shri Dharnidhar
Banera, Shri Hamendra Singh		Dasappa, Shri Tulsidas
Banerjee, Shrimati Mukul		Daschowdhury, Shri B. K.
Barman, Shri R. N.		Deo, Shri R. R. Singh
Barua, Shri Bedabrata		Deo, Shri S. N. Singh
Barupal, Shri Panna Lal		Desai, Shri D. D.
Basappa, Shri K.		Deshmukh, Shri K. G.
Basumatari, Shri D.		Deshmukh, Shri Shivaji Rao S.
Besra, Shri S. C.		Dhamankar, Shri
Bhagat, Shri H. K. L.		Dharamgaj Singh, Shri
Bhargava, Shri Basheswar Nath		Dhillon, Dr. G. S.
Bhatia, Shri Raghunandan Lal		Dhusia, Shri Anant Prasad
Bhattacharyya, Shri Chapalendu		Dinesh Singh, Shri
Bheeshmadev, Shri M.		Dixit, Shri G. C.
Bhuvarahan, Shri G.		Dixit, Shri Jagdish Chandra
Bist, Shri Narendra Singh		Doda, Shri Hiralal
Brij Raj Singh—Kotah, Shri		Dute, Shri J. P. .
Buta Singh, Shri		Dumada, Shri L. K.
Chakleshwar Singh, Shri		Dwivedi, Shri Nageshwar
Chandra Gowda, Shri D. B.		Engti, Shri Biren
Chandrakar, Shri Chandulal		Gaekwad, Shri Fatesinghrao
		Ganjhi, Shrimati Indira
		Ganesh, Shri K. R.
		Ganga Devi, Shrimati
		Gangadeb, Shri P.

Gautam, Shri C. D.	Kamla Kumari, Kumari
Gavit, Shri T. H.	Kapur, Shri Sat Pal
George, Shri A. C.	Karan Singh, Dr.
Ghosh, Shri P. K.	Kavde, Shri B. R.
Gill, Shri Mohinder Singh	Kedar Nath Singh, Shri
Giri, Shri V. Shanker	Khadilkar, Shri R. K.
Godara, Shri Mani Ram	Khan, Shri I. H.
Godfrey, Shrimati M.	Kinder Lal, Shri
Gogoi, Shri Tarun	Kisku, Shri A. K.
Gohain, Shri C. C.	Kotoki, Shri Liladhar
Gokhale, Shri H. R.	Kotrashetti, Shri A. K.
Gomango, Shri Giridhar	Krishnan, Shri G. Y.
Gopal, Shri K.	Krishnappa, Shri M. V.
Goswami, Shri Dinesh Chandra	Kulkarni, Shri Raja
Gotkhinde, Shri Annasaheb	Kureel, Shri B. N.
Gowda, Shri Pampan	Lakkappa, Shri K.
Hansda, Shri Subodh	Lakshminarayanan, Shri M. R.
Hanumanthaiya, Shri K.	Lambodar Baliyar, Shri
Hari Kishore Singh, Shri	Laskar, Shri Nihar
Hari Singh, Shri	Lutfal Haque, Shri
Hashim, Shri M. M.	Mahajan, Shri Vikram
Ishaque, Shri A. K. M.	Mahajan, Shri Y. S.
Jadeja, Shri D. P.	Maharaj Singh, Shri
Jaffer Sharief, Shri C. K.	Mahishi, Dr. Sarojini
Jagjivan Ram, Shri	Majhi, Shri Gajadhar
Jamilurrahman, Shri Md.	Majhi, Shri Kumar
Jeyalakshmi, Shrimati V.	Malaviya, Shri K. D.
Jha, Shri Chiranjib	Malhotra, Shri Inder J.
Jhunjhunwala, Shri Bishwanath	Mallanna, Shri K.
Jitendra Prasad, Shri	Mallikarjun, Shri
Joshi, Shri Popatlal M.	Mandal, Shri Jagdish Narain
Joshi, Shrimati Subhadra	Manhar, Shri Bhagatram
Kadam, Shri J. G.	Martand Singh, Shri
Kadannappalli, Shri Ramachandra	Maurya, Shri B. P.
Kader, Shri S. A.	Mehta, Dr. Mahipatray
Kahandole, Shri Z. M.	Melkote, Dr. G. S.
Kakodkar, Shri Purushottam	Mirdha, Shri Nathu Ram
Kakoti, Shri Robin	Mishra, Shri Bibhuti
Kalingarayar, Shri Mohanraj	Mishra, Shri G. S.
Kamakshaiah, Shri D.	Mishra, Shri Jagannath
Kamala Prasad, Shri	Modi, Shri Shrikishan
Kamble, Shri N. S.	Mohammad Yusuf, Shri
Kamble, Shri T. D.	Mohapatra, Shri Shyam Sunder

Mohsin, Shri F. H.	Qureshi, Shri Mohd. Shafi
Munsi, Shri Priya Ranjan Das	Raghu Ramaiah, Shri K.
Murmu, Shri Yogesh Chandra	Rai, Shri S. K.
Murthy, Shri B. S.	Rai, Shrimati Sahodrabai
Nahata, Shri Amrit	Raj Bahadur, Shri *
Naik, Shri B. V.	Raju, Shri M. T.
Nanda, Shri G. L.	Raju, Shri P. V. G.
Nayak, Shri Baksi	Ram Dayal, Shri
Neogi, Shri Pratap Singh	Ram Prakash, Shri
Nimbalkar, Shri	Ram Sewak, Ch.
Oraon, Shri Kartik	Ram Singh Bhai, Shri
Oraon, Shri Tuna	Ram Surat Prasad, Shri
Pahadia, Shri Jagannath	Ram Swarup, Shri
Painuli, Shri Paripoornanand	Ramji Ram, Shri
Palodkar, Shri Manikrao	Ramshekhar Prasad Singh, Shri
Pandey, Shri Damodar	Ranabahadur Singh, Shri
Pandey, Shri Krishna Chandra	Rao, Shrimati B. Radhabai A.
Pandey, Shri Narsingh Narain	Rao, Shri J. Rameshwar
Pandey, Shri R. S.	Rao, Shri Jagannath
Pandey, Shri Sudhakar	Rao, Dr. K. L.
Pandey, Shri Tarkeshwar	Rao, Shri K. Narayana
Pandit, Shri S. T.	Rao, Shri M. S. Sanjeevi
Panigrahi, Shri Chintamani	Rao, Shri M. Satyanarayan
Pant, Shri K. C.	Rao, Shri Nageswara
Paokai Haokip, Shri	Rao, Shri P. Ankineedu Prasada
Parikh, Shri Rasiklal	Rao, Shri Pattabhi Rama
Parthasarathy, Shri P.	Rao, Dr. V. K. R. Varadaraja
Paswan, Shri Ram Bhagat	Rathia, Shri Umed Singh
Patel, Shri Arvind M.	Raut, Shri Bhola
Patel, Shri Natwarlal	Ravi, Shri Vayalar
Patel, Shri Prabhudas	Ray, Shrimati Maya
Patel, Shri R. R.	Reddy, Shri K. Kodanda Rami
Patil, Shri Anantra	Reddy, Shri K. Ramakrishna
Patil, Shri C. A.	Reddy, Shri M. Ram Gopal
Patil, Shri E. V. Vikhe	Reddy, Shri P. Bayapa
Patil, Shri Krishnarao	Reddy, Shri P. Ganga
Patil, Shri T. A.	Reddy, Shri P. Narasimha
Patnaik, Shri Banamali	Reddy, Shri P. V.
Patnaik, Shri J. B.	Reddy, Shri Sidram
Peje, Shri S. L.	Richhariya, Dr. Govind Das
Pradhan, Shri Dhan Shah	Rohatgi, Shrimati Sushila
Pradhani, Shri K.	Roy, Shri Bishwanath
Purty, Shri M. S.	Saini, Shri Mulki Raj

Salve, Shri N. K. P.	Suryanarayana, Shri K.
Sangliana, Shri	Swaminathan, Shri R. V.
Sankata Prasad, Dr.	Swamy, Shri Sidrameshwar
Sant Bux Singh, Shri	Swaran Singh, Shri
Sathe, Shri Vasant	Tarodekar, Shri V. B.
Satish Chandra, Shri	Tayyab Hussain, Shri
Satpathy, Shri Devendra	Tewari, Shri Shankar
Savant, Shri Shankerrao	Thakre, Shri S. B.
Savitri Shyam, Shrimati	Thakur, Shri Krishnarao
Sayeed, Shri P. M.	Tiwari, Shri Chandra Bhal Mani
Sen, Shri A. K.	Tiwari, Shri R. G.
Sethi, Shri Arjun	Tiwari, Shri D. N.
Shafee, Shri A.	Tombi Singh, Shri N.
Shafquat Jung, Shri	Tula Ram, Shri
Shahnawaz Khan, Shri	Tulsiram, Shri V.
Shambhu Nath, Shri	Uikey, Shri M. G.
Shankar Dayal Singh, Shri	Vekaria, Shri
Shankaranand, Shri B.	Venkatasubbaiah, Shri P.
Sharma, Dr. H. P.	Venkatswamy, Shri G.
Sharma, Shri Madhoram	Verma, Shri Balgovind
Sharma, Shri Nawal Kishore	Verma, Shri Sukhdeo Prasad
Sharma, Dr. Shanker Dayal	Vikal, Shri Ram Chandra
Shashi Bhushan, Shri	Yadav, Shri Chandrajit
Shastri, Shri Biswanarayan	Yadav, Shri D. P.
Shastri, Shri Sheopujan	Yadav, Shri Karan Singh
Shetty, Shri K. K.	Yadav, Shri N. P.
Shinde, Shri Annasaheb P.	Yadav, Shri R. P.
Shivappa, Shri N.	Zulfiqar Ali Khan, Shri
Shivnath Singh, Shri	
Shukla, Shri B. R.	
Shukla, Shri Vidya Charan	
Siddheshwar Prasad, Prof.	
Singh, Shri Vishwanath Pratap	
Sinha, Shri Dharam Bir	
Sinha, Shri Nawal Kishore	
Sinha, Shri R. K.	
Sohan Lal, Shri T.	
Sokhi, Sardar Swaran Singh	
Stephen, Shri C. M.	
Subramaniam, Shri C.	
Sudarsanam Shri M.	
Sunder Lal, Shri	
Surendra, Pal Singh Shri	

NOES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Dhote, Shri Jambuwant
Janardhanan, Shri C.
Jharkhande Rai, Shri
Kalyanasundaram, Shri M.
Kathamuthu, Shri M.
Koya, Shri C. H. Mohamed
Krishnan, Shrimati Parvathi

'Madhukar' Shri K. M.
 Manjhi, Shri Bhola
 Misra, Shri S. N.
 Muhammed Heriff, Shri
 Mukerjee, Shri H. N.
 Muruganantham, Shri S. A.
 Nair, Shri Sreekantan
 Panda, Shri D. K.
 Pandey, Shri Sarjoo
 Ram Hedaoo, Shri
 Sait, Shri Ebrahim Sulaiman
 Saksena, Prof. S. L.
 *Samanta, Shri S. C.
 Sambhali, Shri Ishaque
 Sen, Dr. Ranen
 Shastri, Shri Ramavtar
 Vijay Pal Singh, Shri

MR. SPEAKER: The question is:

"That clause 6 stand part of the Bill."

The Lok Sabha divided:

Division No. 7]

[17.49 hrs.

AYES

Achal Singh, Shri
 Aga, Shri Syed Ahmed
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O. V.
 Ambesh, Shri
 Anand Singh, Shri
 Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Appalanaidu, Shri
 Arvind Netam, Shri
 Austin, Dr. Henry
 Awdhesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banera, Shri Hamendra Singh
 Banerjee, Shri S. M.
 Banerjee, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.

Clause 6

Amendments Nos. 27, 82, 171 554
 were put and negatived.

Amendments Nos. 27, 82, 171 and 554
 were put and negatived.

*Wrongly voted for NOES.

††The following Member's also recorded their votes:

AYES: Dr. Kailas, Sarvshri P. Antony Reddy, Yamuna Prasad
 Mandal, Kushok Bakula, Dattjirao Kadam, Rajgopala Rao, Genda Singh
 and S. C. Samanta.

NOES: Sarvshri Indrajit Gupta and Bhogendra Jha.

Besra, Shri S. C.	Deshpande, Shrimati Roza
Bhagat, Shri H. K. L.	Dhamankar, Shri
Bhargava, Shri Basheshwar Nath	Dharamgaj Singh, Shri
Bhargavi Thankappan, Shrimati	Dhillon, Dr. G. S.
Bhatia, Shri Raghunandan Lal	Dhusia, Shri Anant Prasad
Bhattacharyya, Shri Chapalendu	Dinesh Singh, Shri
Bhaura, Shri B. S.	Dixit, Shri G. C.
Bheeshmadev, Shri M.	Dixit, Shri Jagdish Chandra
Bhuvarahan, Shri G.	Doda, Shri Hiralal
Bist, Shri Narendra Singh	Dube, Shri J. P.
Brij Raj Singh—Kotah, Shri	Dumada, Shri L. K.
Buta Singh, Shri	Dwivedi, Shri Nageshwar
Chakleshwar Singh, Shri	Engti, Shri Biren
Chandra Gowda, Shri D. B.	Gaekwad, Shri Fatesinghrao
Chandra Shekhar Singh, Shri	Gandhi, Shrimati Indira
Chandrakar, Shri Chandulal	Ganesh, Shri K. R.
Chandrappan, Shri C. K.	Ganga Devi, Shrimati
Chandrashekharappa Veerabasappa, Shri T. V.	Gangadeb, Shri P.
Chandrika Prasad, Shri	Gautam, Shri C. D.
Chaturvedi, Shri Rohan Lal	Gavit, Shri T. H.
Chaudhary, Shri Nitiraj Singh	George, Shri A. C.
Chavan, Shrimati Premalabai	Ghosh, Shri P. K.
Chavan, Shri Yeshwantrao	Gill, Shri Mohinder Singh
Chellachami, Shri A. M.	Giri, Shri V. Shanker
Chhotey Lal, Shri	Godara, Shri Mani Ram
Chhutten Lal, Shri	Godfrey, Shrimati M.
Chikkalingaiah, Shri K.	Gogoi, Shri Tarun
Choudhary, Shri B. E.	Gohain, Shri C. C.
Daga, Shri M. C.	Gokhale, Shri H. R.
Dalbir Singh, Shri	Gomango, Shri Giridhar
Dalip Singh, Shri	Gopal, Shri K.
Damani, Shri S. R.	Goswami, Shri Dinesh Chandra
Darbera Singh, Shri	Gotkhinde, Shri Annasaheb
Das, Shri Anadi Charan	Gowda, Shri Pampan
Das, Shri Dharnidhar	Gupta, Shri Indrajit
Dasappa, Shri Tulsidas	Hansda, Shri Subodh
Daschowdhury, Shri B. K.	Hanumanthaiya, Shri K.
Deo, Shri R. R. Singh	Hari Kishore Singh, Shri
Deo, Shri S. N. Singh	Hari Singh, Shri
Desai, Shri D. D.	Hashim, Shri M. M.
Deshmukh, Shri K. G.	Ishaque, Shri A. K. M.
Deshmukh, Shri Shivaji Rao S.	

Jadeja, Shri D. P.	Lakkappa, Shri K.
Jaffer Sharief, Shri C. K.	Lakshminarayanan, Shri M. R.
Jagjivan Ram, Shri	Lambodar Baliyar, Shri
Jamilurrahman, Shri Md.	Laskar, Shri Nihar
Janardhanan, Shri C.	Lutfal Haque, Shri
Jeyalakshmi, Shrimati V.	'Madhukar', Shri K. M.
Jha, Shri Bhogendra	Mahajan, Shri Vikram
Jha, Shri Chiranjib	Mahajan, Shri Y. S.
Jharkhande Rai, Shri	Maharaj Singh, Shri
Jhunjhunwala, Shri Bishwanath	Mahishi, Dr. Sarojini
Jitendra Prasad, Shri	Majhi, Shri Gajadhar
Joshi, Shri Popatlal M.	Majhi, Shri Kumar
Joshi, Shrimati Subhadra	Malaviya, Shri K. D.
Kadam, Shri J. G.	Malhotra, Shri Inder J.
Kadannappalli, Shri Ramachandra	Mallanna, Shri K.
Kader, Shri S. A.	Mallikarjun, Shri
Kahandole, Shri Z. M.	Mandal, Shri Jagdish Narain
Kailas, Dr.	Manhar, Shri Bhagatram
Kakodkar, Shri Purushottam	Manjhi, Shri Bhola
Kakoti, Shri Robin	Martand Singh, Shri
Kalingarayar, Shri Mohanraj	Maurya, Shri B. P.
Kalyanasundaram, Shri M.	Mehta, Dr. Mahipatray
Kamakshaiah, Shri D.	Melkote, Dr. G. S.
Kamala Prasad, Shri	Mirdha, Shri Nathu Ram
Kamble, Shri N. S.	Mishra, Shri Bibhuti
Kamble, Shri T. D.	Mishra, Shri G. S.
Kamla Kumari, Kumari	Mishra, Shri Jagannath
Kapur, Shri Sat Pal	Modi, Shri Shrikishan
Karan Singh, Dr.	Mohammad Yusuf, Shri
Kathamuthu, Shri M.	Mohapatra, Shri Shyam Sunder
Kavde, Shri B. R.	Mohsin, Shri F. H.
Kedar Nath Singh, Shri	Muhammed Sheriff, Shri
Khadikar, Shri R. K.	Mukherjee, Shri H. N.
Khan, Shri I. H.	Munsi, Shri Priya Ranjan Das
Kinder Lal, Shri	Murmu, Shri Yogesh Chandra
Kisku, Shri A. K.	Murthy, Shri B. S.
Kotoki, Shri Liladhar	Muruganantham, Shri S. A.
Kotrashetti, Shri A. K.	Nahata, Shri Amrit
Krishnan, Shri G. Y.	Naik, Shri B. V.
Krishnan, Shrimati Parvathi	Nanda, Shri G. L.
Krishnappa, Shri M. V.	Nayak, Shri Baksi
Kuteel, Shri B. N.	Negi, Shri Pratap Singh
Kushok Bakula, Shri	Nimbalkar, Shri

Oraon, Shri Kartik	Ram Prakash, Shri
Oraon, Shri Tuna	Ram Sewak, Ch.
Pahadia, Shri Jagannath	Ram Singh Bhai, Shri
Painuli, Shri Paripoornanand	Ram Surat Prasad, Shri
Palodkar, Shri Manikrao	Ram Swarup, Shri
Panda, Shri D. K.	Ramji Ram, Shri
Pandey, Shri Damodar	Ramshekhar Prasad Singh, Shri
Pandey, Shri Krishna Chandra	Ranabahadur Singh, Shri
Pandey, Shri Narsingh Narain	Rao, Shrimati B. Radhabai A.
Pandey, Shri R. S.	Rao, Shri J. Rameshwar
Panedy, Shri Sarjoo	Rao, Shri Jagannath
Panedy, Shri Sudhakar	Rao, Dr. K. L.
Pandey, Shri Tarkeshwar	Rao, Shri K. Narayana
Pandit, Shri S. T.	Rao, Shri M. S. Sanjeevi
Panigrahi, Shri Chintamani	Rao, Shri M. Satyanarayan
Pant, Shri K. C.	Rao, Shri Nageswara
Paokai Haokip, Shri	Rao, Shri P. Ankineedu Prasada
Parikh, Shri Rasiklal	Rao, Shri Pattabhi Rama
Parthasarathy, Shri P.	Rao, Shri Rajagopala
Paswan, Shri Ram Bhagat	Rao, Dr. V. K. R. Varadaraja
Patel, Shri Arvind M.	Rathia, Shri Umed Singh
Patel, Shri Natwarlal	Raut, Shri Bhola
Patel, Shri Prabhudas	Ravi, Shri Vayalar
Patel, Shri R. R.	Ray, Shrimati Maya
Patil, Shri Anantrao	Reddi, Shri P. Antony
Patil, Shri C. A.	Reddy, Shri K. Kodanda Rami
Patil, Shri E. V. Vikhe	Reddy, Shri K. Ramakrishna
Patil, Shri Krishnarao	Reddy, Shri M. Ram Gopal
Patil, Shri T. A.	Reddy, Shri P. Bayapa
Patnaik, Shri Banamali	Reddy, Shri P. Ganga
Patnaik, Shri J. B.	Reddy, Shri P. Narasimha
Peje, Shri S. L.	Reddy, Shri P. V.
Pradhan, Shri Dhan Shah	Reddy, Shri Sidram
Pradhani, Shri K.	Richhariya, Dr. Govind Das
Putry, Shri M. S.	Rohatgi, Shrimati Sushila
Qureshi, Shri Mohd. Shafi	Roy, Shri Bishwanath
Raghuramaiah, Shri K.	Saini, Shri Mulki Raj
Rai, Shri S. K.	Sait, Shri Ebrahim Sulaiman
Rai, Shrimati Sahodrabi	Salve, Shri N. K. P.
Raj Bahadur, Shri	Samanta, Shri S. C.
Raju, Shri M. T.	Sambhali, Shri Ishtaque
Raju, Shri P. V. G.	Sangliana, Shri
Ram Dayal, Shri	Sankata Prasad, Dr.

Sant Bux Singh, Shri	Sunder Lal, Shri
Sathe, Shri Vasant	Surendra Pal Singh, Shri
Satish Chandra, Shri	Suryanarayana, Shri K.*
Satpathy, Shri Devendra	Swaminathan, Shri R. V.
Savant, Shri Shankerrao	Swamy, Shri Sidrameshwar
Sayeed, Shri P. M.	Tarodekar, Shri V. B.
Sen, Shri A. K.	Tayyab Hussain, Shri
Sen, Dr. Ranen	Tewari, Shri Shankar
Sethi, Shri Arjun	Thakre, Shri S. B.
Shafee, Shri A.	Thakur, Shri Krishnarao
Shafquat Jung, Shri	Tiwari, Shri Chandra Bhal Mani
Shahnawaz Khan, Shri	Tiwari, Shri R. G.
Shambhu Nath, Shri	Tiwarey, Shri D. N.
Shankar Dayal Singh, Shri	Tombi Singh, Shri N.
Shankaranand, Shri B.	Tula Ram, Shri
Sharma, Dr. H. P.	Tulsiram, Shri V.
Sharma, Shri Madhoram	Uikey, Shri M. G.
Sharma, Shri Nawal Kishore	Vekaria, Shri
Sharma, Dr. Shanker Dayal	Venkatasubbaiah, Shri P.
Shashi Bhushan, Shri	Venkateswamy, Shri G.
Shastry, Shri Biswanarayan	Verma, Shri Balgovind
Shastry, Shri Ramavtar	Verma, Shri Sukhdeo Prasad
Shastry, Shri Sheopujan	Vijay Pal Singh, Shri
Shetty, Shri K. K.	Vikal, Shri Ram Chandra
Shinde, Shri Annasaheb P.	Yadav, Shri Chandrajit
Shivappa, Shri N.	Yadav, Shri D. P.
Shivnath Singh, Shri	Yadav, Shri Karan Singh
Shukla, Shri B. R.	Yadav, Shri N. P.
Shukla, Shri Vidya Charan	Yadav, Shri R. P.
Siddheshwar Prasad, Prof.	Zulfiquar Ali Khan, Shri
Singh, Shri Vishwanath Pratap	NOES
Sinha, Shri Dharam Bir	
Sinha, Shri Nawal Kishore	
Sinha, Shri R. K.	
Sohan Lal, Shri T.	
Sokhi, Sardar Swaran Singh	
Stephen, Shri C. M.	
Subramaniam, Shri C.	*Mandal, Shri Yamuna Prasad
Sudarsanam, Shri M.	Saksena, Prof. S. L.

*Wrongly voted for NOES.

MR. SPEAKER: The result of the Division is as follows:—Ayes 351; Noes 2.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7

MR. SPEAKER: I shall now put amendment No. 453 moved by Shrimati Parvathi Krishnan to the vote of the House.

Amendment No. 453 was put and negatived.

MR. SPEAKER: I shall now put all the other amendments to clause 7 to the vote of the House.

Amendments Nos. 232, 234, 264, 265 and 318 were put and negatived

MR. SPEAKER: The question is:

“That Clause 7 stand part of the Bill”.

The Lok Sabha divided:

Division No. 8]

[17.51 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.

Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghnandan Lal
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.

[†]The following Members also recorded their votes for Ayes:
Sarvshri Dattajirao Kadam, Raja Kulkarni, Swaran Singh, Genda
Singh, C. H. Mohamed Koya, Yamuna Prasad Mandal and
Shrimati Savitri Shiyam.

Chandrashekharappa Veerabasappa, Shri T. V.	Ganga Devi, Shrimati Gangadeb, Shri P.
Chandrika Prasad, Shri	Gautam, Shri C. D.
Chaturvedi, Shri Rohan Lal	Gavit, Shri T. H.
Chaudhary, Shri Nitiraj Singh	George, Shri A. C.
Chavan, Shrimati Premalabai	Ghosh, Shri P. K.
Chavan, Shri Yeshwantrao	Gill, Shri Mohinder Singh
Chellachami, Shri A. M.	Giri, Shri V. Shanker
Chhotey Lal, Shri	Godara, Shri Mani Ram
Chhutten Lal, Shri	Godfrey, Shrimati M.
Chikkalingaiah, Shri K.	Gogoi, Shri Tarun
Choudhary, Shri B. E.	Gohain, Shri C. C.
Daga, Shri M. C.	Gokhale, Shri H. R.
Dalbir Singh, Shri	Gomango, Shri Giridhar
Dalip Singh, Shri	Gopal, Shri K.
Damani, Shri S. R.	Goswami, Shri Dinesh Chandra
Darbara Singh, Shri	Gotkhinde, Shri Annasaheb
Das, Shri Anadi Charan	Gowda, Shri Pampan
Dasappa, Shri Tulsidas	Gupta, Shri Indrajit
Daschowdhury, Shri B. K.	Hansda, Shri Subodh
Deo, Shri R. R. Singh	Hanumanthaiya, Shri K.
Deo, Shri S. N. Singh	Hari Kishore Singh, Shri
Desai, Shri D. D.	Hari Singh, Shri
Deshmukh, Shri K. G.	Hashim, Shri M. M.
Deshmukh, Shri Shivaji Rao S.	Ishaque, Shri A. K. M.
Deshpande, Shrimati Roza	Jadeja, Shri D. P.
Dhamankar, Shri	Jaffer Sharief, Shri C. K.
Dharamgaj Singh, Shri	Jagjivan Ram, Shri
Dhillon, Dr. G. S.	Jamilurrahman, Shri Md.
Dhote, Shri Jambuwant	Janardhanan, Shri C.
Dhusia, Shri Anant Prasad	Jeyalakshmi, Shrimati V.
Dinesh Singh, Shri	Jha, Shri Bhogendra
Dixit, Shri G. C.	Jha, Shri Chiranjib
Dixit, Shri Jagdish Chandra	Jharkhande Rai, Shri
Doda, Shri Hiralal	Jhunjhunwala, Shri Bishwanath
Dube, Shri J. P.	Jitendra Prasad, Shri
Dumada, Shri L. K.	Joshi, Shri Popatlal M.
Dwivedi, Shri Nageshwar	Joshi, Shrimati Subhadra
Engti, Shri Biren	Kadam, Shri Dattajirao
Gaekwad, Shri Fatesinghrao	Kadam, Shri J. G.
Gandhi, Shrimati Indira	Kadannappalli, Shri Ramachandran
Ganesh, Shri K. R.	Kader, Shri S. A. ..

Kahandole, Shri Z. M.	Malhotra, Shri Inder J.
Ialas, Dr.	Mallanna, Shri K.
Iakodkar, Shri Purushottam	Mallikarjun, Shri
Kakoti, Shri Robin	Mandal, Shri Jagdish Narain
Kalingarayar, Shri Mohanraj	Manhar, Shri Bhagatram
Kalyanasundaram, Shri M.	Manjhi, Shri Bhola
Kamakshaiah, Shri D.	Martand Singh, Shri
Kamala Prasad, Shri	Maurya, Shri B. P.
Kamble, Shri N. S.	Mehta, Dr. Mahipatray
Kamble, Shri T. D.	Melkote, Dr. G. S.
Kamla Kumari, Kumari	Mirdha, Shri Nathu Ram
Kapur, Shri Sat Pal	Mishra, Shri Bibhuti
Karan Singh, Dr.	Mishra, Shri G. S.
Kathamuthu, Shri M.	Mishra, Shri Jagannath
Kavde, Shri B. R.	Misra, Shri S. N.
Kedar Nath Singh, Shri	Modi, Shri Shrikishan
Khadilkar, Shri R. K.	Mohapatra, Shri Shyam Sunder
Khan, Shri I. H.	Mohsin, Shri F. H.
Kinder Lal, Shri	Muhammed Sheriff, Shri
Kisku, Shri A. K.	Mukerjee, Shri H. N.
Kotoki, Shri Liladhar	Munsi, Shri Priya Ranjan Das
Kotrashetti, Shri A. K.	Murmu, Shri Yogesh Chandra
Koya, Shri C. H. Mohamed	Murthy, Shri B. S.
Krishnan, Shri G. Y.	Nahata, Shri Amrit
Krishnan, Shrimati Parvathi	Naik, Shri B. V.
Krishnappa, Shri M. V.	Nair, Shri Sreekanthan
Kulkarni, Shri Raja	Nanda, Shri G. L.
Kureel, Shri B. N.	Nayak, Shri Baksi
Kushok Bakula, Shri	Negi, Shri Pratap Singh
Lakkappa, Shri K.	Nimbalkar, Shri
Lakshminarayanan, Shri M. R.	Oraon, Shri Kartik
Lambodar Baliyar, Shri	Oraon, Shri Tuna
Laskar, Shri Nihar	Pahadia, Shri Jagannath
Lutfal Haque, Shri	Painuli, Shri Paripoornanand
'Madhukar', Shri K. M.	Palodkar, Shri Manikrao
Mahajan, Shri Vikram	Panda, Shri D. K.
Mahajan, Shri Y. S.	Pandey, Shri Damodar
Maharaj Singh, Shri	Pandey, Shri Krishna Chandra
Mahishi, Dr. Sarojini	Pandey, Shri Narsingh Narain
Majhi, Shri Gajadhar	Pandey, Shri R. S.
Majhi, Shri Kumar	Pandey, Shri Sarjoo
Malaviya, Shri K. D.	Pandey, Shri Sudhakar

Pandey, Shri Tarkeshwar	Rao, Shri Jagannath
Pandit, Shri S. T.	Rao, Dr. K. L.
Panigrahi, Shri Chintamani	Rao, Shri K. Narayana
Pant, Shri K. C.	Rao, Shri M. S. Sanjeevi
Paokai Haokip, Shri	Rao, Shri M. Satyanarayan
Parikh, Shri Rasiklal	Rao, Shri Nageswara
Parthasarathy, Shri P.	Rao, Shri P. Arkineedu Prasada
Paswan, Shri Ram Bhagat	Rao, Shri Pattabhi Rama
Patel, Shri Arvind M.	Rao, Shri Rajagopal
Patel, Shri Natwarlal	Rao, Dr. V. K. R. Varadaraja
Patel, Shri Prabhudas	Rathia, Shri Umed Singh
Patel, Shri R. R.	Raut, Shri Bhola
Patil, Shri Ahantra	Ravi, Shri Vayalar
Patil, Shri C. A.	Ray, Shrimati Maya
Patil, Shri E. V. Vikhe	Reddi, Shri P. Antony
Patil, Shri Krishnarao	Reddy, Shri K. Kodanda Rama
Patil, Shri T. A.	Reddy, Shri K. Ramakrishna
Patnaik, Shri Banamali	Reddy, Shri M. Ram Gopal
Patnaik, Shri J. B.	Reddy, Shri P. Bayapa
Peje, Shri S. L.	Reddy, Shri P. Ganga
Pradhan, Shri Dhan Shah	Reddy, Shri P. Narasimha
Pradhani, Shri K.	Reddy, Shri P. V.
Purty, Shri M. S.	Reddy, Shri Sidram
Qureshi, Shri Mohd. Shafi	Reddy, Shri Y. Eswara
Raghu Ramaiah, Shri K.	Richhariya, Dr. Govind Das
Rai, Shri S. K.	Rohatgi, Shrimati Sushila
Rai, Shrimati Sahodrabai	Roy, Shri Bishwanath
Raj Bhandur, Shri	Saini, Shri Mulki Raj
Raju, Shri M. T.	Sait, Shri Ebrahim Sulaiman
Raju, Shri P. V. G.	Saksena, Prof. S. L.
Ram Dayal, Shri	Salve, Shri N. K. P.
Ram Hedao, Shri	Samanta Shri S. C.
Ram Prakash, Shri	Sambhali, Shri Ishaque
Ram Sewak, Ch.	Sangliana, Shri
Ram Singh Bhai, Shri	Sankata Prasad, Dr.
Ram Surat Prasad, Shri	Sant Bux Singh, Shri
Ram Swarup, Shri	Sathe, Shri Vasant
Ramji Ram, Shri	Satish Chandra, Shri
Ramshekhar Prasad Singh, Shri	Satpathy, Shri Devendra
Ranabahadur Singh, Shri	Savant, Shri Shankerrao
Rao, Shrimati B. Radhabai A.	Savitri Shyam, Shrimati
Rao, Shri J. Rameshwar	Sayeed, Shri P. M.

Sen, Shri A. K.	Tarodekar, Shri V. B.
Sen, Dr. Ranen	Tayyab Hussain, Shri
Sethi, Shri Arjun	Tewari, Shri Shankar
Shafee, Shri A.	Thakre, Shri S. B.
Shafquat Jung, Shri	Thakur, Shri Krishnarao
Shahnawaz Khan, Shri	Tiwari, Shri Chandra Bhal Mani
Shambhu Nath, Shri	Tiwari, Shri R. G.
Shankar Dayal Singh, Shri	Tiware, Shri D. N.
Shankaranand, Shri B.	Tombi Singh, Shri N.
Sharma, Dr. H. P.	Tula Ram, Shri
Sharma, Shri Madhoram	Tulsiram, Shri V.
Sharma, Shri Nawal Kishore	Uikey, Shri M. G.
Sharma, Dr. Shanker Dayal	Vekaria, Shri
Shashi Bhushan, Shri	Venkatasubbalah, Shri P.
Shastri, Shri Biswanarayan	Venkatswamy, Shri G.
Shastri, Shri Ramavtar	Verma, Shri Balgovind
Shastri, Shri Shecpujan	Verma, Shri Sukhdeo Prasad
Shetty, Shri K. K.	Vijay Pal Singh, Shri
Shinde, Shri Annasaheb P.	Vikal, Shri Ram Chandra
Shivappa, Shri N.	Yadav, Shri Chandrajit
Shivnath Singh, Shri	Yadav, Shri D. P.
Shukla, Shri B. R.	Yadav, Shri Karan Singh
Shukla, Shri Vidya Charan	Yadav, Shri N. P.
Siddheshwar Prasad, Prof.	Yadav, Shri R. P.
Singh, Shri Vishwanath Pratap	Zulfiqar Ali Khan, Shri
Sinha, Shri Dharam Bir	
Sinha, Shri Nawal Kishore	NOES
Sinha, Shri R. K.	Nil.
Sohan Lal, Shri T.	
Sokhi, Sardar Swaran Singh	MR. SPEAKER: The result* of
Stephen, Shri C. M.	the Division is as follows:—Ayes:
Subramaniam, Shri C.	358; Noes: Nil.
Sudarsanam, Shri M.	
Sunder Lal, Shri	The motion is carried by a majority
Surendra Pal Singh, Shri	of the total membership of the House
Suryanarayana, Shri K.	and by a majority of not less than
Swaminathan, Shri R. V.	two-thirds of the Members present
Swamy, Shri Sidrameshwar	and voting.
Swaran Singh, Shri	<i>The motion was adopted.</i>
	<i>Clause 7 was added to the Bill.</i>
	17.55 hrs.
	<i>The Lok Sabha then adjourned till</i>
	<i>Eleven of Clock on Friday, October 7, 1898 (Saka)</i>

*The following Members also recorded their
Sarvashri Dharnidhar Das Yamuna Prasad
and Chandra Shekhar Singh.