

LOK SABHA DEBATES

(Eighteenth Session)



(Vol. LXV contains Nos. 1—9)

**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

I

LOK SABHA

Friday, October 29, 1976/Kartika 7,
1898 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER CENTRAL EXCISE
RULES 1944 AND CENTRAL EXCISE (24TH
AMDT.) RULES, 1976

MR. SPEAKER: Shri Pranab Kumar
Mukherjee.

THE DEPUTY MINISTER IN THE
MINISTRY OF FINANCE (SHRI-
MATI SUSHILA ROHATGI): On
behalf of Shri Pranab Kumar Mukher-
jee, I beg to lay on the Table—

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

(i) G.S.R. 1248 published in
Gazette of India dated the 28th
August, 1976 together with an ex-
planatory memorandum.

(ii) G.S.R. 1328 published in
Gazette of India dated the 11th
September, 1976 together with an
explanatory memorandum.

(iii) G.S.R. 1356 published in
Gazette of India dated the 18th
September, 1976 together with an
explanatory memorandum.

(iv) G.S.R. 834(E) published in
Gazette of India dated the 7th
October, 1976 together with an ex-
planatory memorandum.

[Placed in Library. See No. LT-
11430/76].

2007 LS—1

2

(2) A copy of the Central Excise
(Twenty-fourth Amendment) Rules,
1976 (Hindi and English versions)
published in Notification No. G.S.R.
833(E) in Gazette of India dated the
7th October, 1976, under section 38
of the Central Excises and Salt Act,
1944, together with an explanatory
memorandum. [Placed in Library.
See No. LT-11431/76].

CENTRAL BOARD FOR PREVENTION AND
CONTROL OF WATER POLLUTION (PRO-
CEDURE FOR TRANSACTION OF BUSINESS)
AMDT. RULES, AND ACCOUNTS OF DDA
FOR 1972-73 .

THE MINISTER OF STATE IN THE
MINISTRY OF WORKS AND HOUS-
ING (SHRI H. K. L. BHAGAT): I
beg to lay on the Table—

(1) A copy of the Central Board
for the Prevention and Control of
Water Pollution (Procedure for
Transaction of Business) Amend-
ment Rules, 1976 (Hindi and English
versions) published in Notification
No. G.S.R. 1489 in Gazette of India
dated the 16th October, 1976, under
sub-section (3) of Section 63 of the
Water (Prevention and Control of
Pollution) Act, 1974. [Placed in
Library. See No. LT-11432/76].

(2) A copy of the Certified
Accounts (Hindi and English ver-
sions) of the Delhi Development
Authority for the year 1972-73 to-
gether with the Audit Report
thereon, under sub-section (4) of
section 25 of the Delhi Development
Act, 1957. [Placed in Library. See
No. LT-11433/76].

RY (FIRST AMDT.) RULES, 1976

STER OF STATE IN THE OF INDUSTRY (SHRI MA): I beg to lay on the py of the Coir Industry dment) Rules, 1976 (Hindi versions) published in No. G.S.R. 1122 in Gazette dated the 31st July, 1976, ction (3) of section 26 of lustry Act, 1953. [Placed See No. LT-11434/76].

RITY FORCE LEAVE (FIRST S, 1976 AND NOTIFICATION AL INDUSTRIAL SECURITY ORCE ACT, 1968

TY MINISTER IN THE OF HOME AFFAIRS MOHSIN): I beg to lay

oy of the Border Security ve (First Amendment) 3 (Hindi and English ublished in Notification 1302 in Gazette of India 11th September, 1976, section (3) of section Border Security Force [Placed in Library. See 35/76].

oy of Notification No. ublished in Gazette of he 25th September, 1976 corrigendum to the ion of Notification No. dated the 19th June, 1976, ction (3) of section 22 al Industrial Security 68. [Placed in Library. 11436/76].

OF TARIFF COMMISSION CTURE OF MAN-MADE AND COFFEE (AMDT.) LES, 1976

Y MINISTER IN THE COMMERCE (SHRI PRATAP SINGH): I the Table—

(1) A copy of the Report (1970) (Hindi version) of the Tariff Commission on the Price Structure of Man-made Fibre Industry—Viscose and Acetate Filament Yarn and Staple Fibre. [Placed in Library. See No. LT-11437/76].

(2) A copy of the Coffee (Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1192 in Gazette of India dated the 14th August, 1976, under sub-section (3) of section 48 of the Coffee Act, 1942. [Placed in Library. See No. LT-11438/76].

ACCOUNTS OF I. I. T., KANPUR AND MADRAS FOR 1973-74 AND 1974-75 RESPECTIVELY, ANNUAL REPORTS OF TECHNICAL TEACHERS' TRAINING INSTITUTES (NORTHERN REGION) CHANDIGARH AND (SOUTHERN REGION), MADRAS, NATIONAL BOOK TRUST, I. I. T., KHARAGPUR AND RAJA RAMMOHAN ROY LIBRARY FOUNDATION, CALCUTTA FOR 1975-76

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi version) under subsection (4) of section 23 of the Institute of Technology Act, 1961:—

(i) Certified Accounts of the Indian Institute of Technology, Kanpur, for the year 1973-74 along with the Audit Report thereon.

(ii) Certified Accounts of the Indian Institute of Technology, Madras, for the year 1974-75 along with the Audit Report thereon. [Placed in Library. See No. LT-11439/76].

(2) A copy each of the following Reports (Hindi and English versions):—

(i) Annual Report of the Technical Teachers' Training Institute (Northern Region) Chandigarh, for the year 1975-76.

(ii) Annual Report of the Technical Teachers' Training Institute (Southern Region) Madras, for the year 1975-76. [Placed in Library. See No. LT-11440/76].

(3) A copy of the Annual Report (Hindi and English versions) of the National Book Trust, India, for the year 1975-76. [Placed in Library. See No. LT-11441/76].

(4) (i) A copy of the Annual Report of the Indian Institute of Technology, Kharagpur, for the year 1975-76.

(ii) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the above Report. [Placed in Library. See No. LT-11442/76].

(5) A copy of the Annual Report (Hindi and English versions) of the Raja Rammohan Roy Library Foundation, Calcutta for the year 1975-76. [Placed in Library. See No. LT-11443/76].

11.01 hrs.

CONSTITUTION (FORTY-FOURTH AMENDMENT) BILL—contd.

Clause 8—(Insertion of new article 39A—Equal justice and free legal aid)

MR. SPEAKER: Now the House will take up the clause-by-clause consideration of the Constitution (Forty-fourth) Amendment Bill.

We are on clause 8.

Mr. Nimbalkar to continue. He will now conclude as he has already taken ten minutes.

SHRI NIMBALKAR (Kolhapur): I think you have read my amendment. It is a very important one.

MR. SPEAKER: All amendments are important.

SHRI NIMBALKAR: First of all I was wrongly reported in the English version over the All India Radio last night that I had not moved my amendment to clause 2. Actually I had moved my amendment and I want to say that it should be corrected.

श्री निंबाळकर (कोल्हापूर) : अध्यक्ष महोदय, कल मैं ने आप के सामने अपना एमेंडमेंट बाजबूत मूब किया, उस पर बोला और मिनिस्टर साहब ने जवाब दिया, लेकिन उस के बारे में भी रेडियो पर कहा गया कि मैं ने एमेंडमेंट मूब नहीं किया। यह सरकार की मशीनरी की हालत है।

श्री शंकर दयाल सिंह (चतरा) : मुझे खुशी है कि मेरे बारे में बिल्कुल सही कहा गया।

SHRI NIMBALKAR: The question is that it is felt that this amendment which I have brought is, on principle and on the ideal which made me to bring it, good but whether it should be included in the Directive Principles. My question is: What is this Bill then for? Is it only to acquire for ourselves blanket powers over the Fundamental Rights. If it was for that, then why all this camouflage, saying that this is in order to implement socialism and to bring about development in this country? So, all this is then something which is not going to convince us. We are very much interested in

[Shri Nimbalkar]

implementing socialism. We do not mind how many powers the Government take but surely it must implement socialism and I am asking which part of this amendment that I have brought, you can leave out if you want to bring in socialism in this country.

Yesterday I talked about the fact that even hon. Members of this House, my colleagues here and also on that side of the House, all of them have actually agreed or have urged the Government to accept this sort of amendments. Now if it had been a Constituent Assembly and consensus taken about this amendment, then I am quite sure that I would have succeeded. But, here, I know in spite of the fact that I stand on this side of the majority, a steam-roller majority, even then, this amendment is not going to be accepted.

I have already spoken on the first two-points: (1) free and equal education to all sections of society and (2) jobs for the people commensurate with their education and acumen. Then the third point is stable prices for all goods. I do not think I have to go into that as anybody will agree. Then the fourth is: 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 etc. I have read it out yesterday and I will not read it again as I want to be short. I do not agree with some of the Members of this House who say that we should calculate the wages according to the poverty level.

In the duties that we are now bringing in there is one thing—that we should try for excellence. Is it that we are going in for excellence when we are trying to take things at a lower level rather than at the highest level possible?

We talk about 'dignity' also in those duties. These duties are in fact the same as what the Mahrattas have got. I say this purposely, as it is something that makes me very proud for the simple reason that it is not understood very often that Shivaji was not the only person who created the Mahratta empire or founded the Mahratta empire. He gave the Mahrattas religion. The majority of the points in these duties are the things for which Mahrattas stand for, for instance, upholding the dignity of women. This was the first thing that was thought out by Shivaji. Shivaji was known as the first freedom fighter that we have seen. We are also going in the spirit of Shivaji. I can understand it. It has so happened whenever this House and this Country got a Constitution or a mini-Constitution, the Maharashtrais have been in charge of piloting that particular Bill. We are naturally proud of it. I understand Shri Gokhale has brought in the points and duties which are understandable to us. (*Interruptions*)

MR. SPEAKER: I think you can make one or two points.

SHRI NIMBALKAR: There are things like free medical service, old age pension, provident fund, unemployment benefit, disability and life insurance. We have life insurance which is actually running at a profit. You should use this money to give amenities to the people. That has not been done. We are asking LIC to look after super-structures and drainage, etc. This is a waste of money. The money should be utilised for the security of the people. If you want socialism you should give security to the children and the future generation to come. If you do that, nobody would want property. I am telling the Government to pluck the desire from the hearts of the people in so far as property is concerned rather than remove it from the fundamental rights. This is very important thing.

As far as definition of secularism is concerned, I have already spoken much on this in the House.

I want to tell Shri Gokhale that he has put 'excellence' in duties for the people. He will also have to observe the word 'excellence'. The word 'excellence' is very nicely used. I hope he will also make his Bill more excellent by including my clause in it.

श्री मुहम्मद अली जुर्रहमान (किशनगंज)
अध्यक्ष महोदय, मैं आप का शुक्रगुजार हूँ कि आप ने मुझे बोलने का मौका दिया। मैं ने एक छोटा सा अमेन्डमेंट क्लॉज 8 में 93-ए जो सरकार की तरफ से जोड़ा गया है, उस में दिया है। उस के आखीर में मैं यह जोड़ना चाहता हूँ :

"or by virtue of being members of religious minorities.

मैं आप की इजाजत से यह आप के सामने गुजराना करना चाहता हूँ कि आजादी हासिल हुए करीब करीब 28-29 साल हो गए। आईन को भी बने करीब 25-26 साल हो चुके हैं। उस में हकूत अकलियत को दिए गए हैं, शेड्यूल्ड कास्ट, शेड्यूल्ड ट्राइब्स और बैकवर्ड क्लासेज को दिए गए हैं, इस में कोई शक नहीं है। लेकिन सवाल यह पैदा होता है कि उस की हिफाजत अब तक हम कितना कर पाए हैं और यह जो हकूत दिए गए हैं वह किस तरह महफूज रहे हैं अब तक ? जहाँ तक मेरा अपना ख्याल है एक छोटी सी बात मेरी समझ में आती है कि इम्प्लीमेंटिंग एथॉरिटीज इन हकूत के व्योरोकेट्स हैं। लेकिन यह कितना कर पाये हैं, यह देखने की चीज होगी। चाहे वह नौकरी में हो, बिजनेस में हो उसको देखना है। बड़ी खुशी की बात है कि कांस्टीट्यूशन में 'लेक्चुरेजिज्म' शब्द जोड़ा जा रहा है,

उसके प्रिम्बिल में, इनको मजबूत ताकत देने के लिए यह जरूरी है कि मैं ने अमेन्डमेंट की सूत में जो अर्ज किया है—

by virtue of being members of religious minorities.

इस छोटे से अमेन्डमेंट को जोड़ा जाय। अब वक्त आ गया है कि अकलियत के हकूत की मजबूत हिफाजत की जाये। जितने हकूत कांस्टीट्यूशन में दिए गए हैं अभी तक उस पर अमल नहीं किया गया है। इस मसले को लेकर बार बार सवाल इस पार्लियामेंट में और पार्लियामेंट के बाहर उठता आ रहा है। इनकी एक मिसाल मैं देना चाहता हूँ। अभी जो गरीबी को रद्दने या खेती के लिए जमीन देने का मसला है या उनकी पढ़ाई का मसला है उसमें आप देखें कि कितने हकूत उनको दिए गए हैं। कितनी जमीन उन लोगों को तकसीम की गई है इनको आप देखेंगे तो उसमें आपको बड़ी नाउम्मेदी होगी। इसके सारे क्लॉस और हॉल में की जड़ है प्रापर्टी राइट। इसलिए मैं अर्ज करूँगा कि इस सभड़े को शुरू से ही खतम कर दिया जाये। सीधी सी बात है कि स्टेट और पीपुल दो चीजें हैं, इसमें जो काम करेगा वह खायेगा, जो मेहनत करेगा वह खायेगा।

आखिर में मैं आप से अर्ज करना चाहता हूँ कि मैंने जो अमेन्डमेंट की सूत में अक्लान रखे हैं उनको रख देने से मेरा ख्याल है व्योरोकेट्स का जितना पंजा मजबूत हो गया है वही लीला पड़ेगा और जो आईन में लिखा हुआ है उस पर अमल हो सकेगा। परसों डा० राणेन सेन कह रहे थे इसी सदन में मुसलमानों की मुलाजिमत के बारे में, वे बोलते चले गए कि लॉकसभा को ही लीजिए, यहां पर मुसलमान स्टाफ कितना है, मैं इसको नहीं काटना चाहता लेकिन सवाल यह है कि डा० राणेन सेन और दूसरे लोग

[श्री मुहम्मद जमीलुर्रहमान]

बैठकर इस मसले को हल करें और इस को देखें कि क्या हो सकता है। इसमें शिकायत को कोई बात नहीं है। मान लीजिए वह लोग नौकरी में नहीं हैं या बिजनेस में नहीं हैं तो बैठकर इस मसले को हल करें, इसमें चोप प्रापेगेशन करने की जरूरत नहीं है। बैठ करके मसले को देखा जाये कि कैसे किया जा सकता है ताकि उनके हुकूम महफूज हों और आईन जो लिखा गया है उसका इम्प्ली-मेंटेशन हो। मैं समझता हूँ अब वक्त बिल्कुल आ गया है जब आईन को री-राइट किया जाये। मैं अपने मोहतरम लीडर से गुजारिश करूँगा कि इसमें देरी करने के माने हैं कि जो राइट-रिपेक्शन के लोग हैं, जिनका जहन साफ नहीं हो पाया है इस आईन की तरफ से उनको और शह मिले। ऐसी सूरत में यह मजबूत जरूरी हो गया है कि कांस्टीट्यूशन को री-राइट किया जाये। हम बैठकर गौर करें और देखें कि जो भी कमियाँ हैं उनको अजसरेनी दूर करें ताकि देश में जो सही तरीके से सेक्युलरिज्म आया है, सही तरीके से सोशलिज्म आया है जोकि हमारा प्रिंसिपल भी है वह और आगे बढ़े। यही मेरा असली मंशा है। इन अल्ट्राज के साथ मैं अपने अमेन्डमेन्ट को सौट करता हूँ।

श्री محمد جميل الرحمان (کشم)

گلج: ادھکھ مہوہ، میں ایک شہر گزار ہوں کہ آپ نے مجھے بولیے کا موقع دیا۔ میں نے ایک چھوٹا سا امیلڈ سیلٹ گلز ۸ میں ۳۹ اے جو سرکار کی طرف سے جوڑا گیا ہے، اس میں دیا ہے۔ اس کے آخر

— میں ۰ میں ۲۹ جوڑنا

"or by virtue of being members of religious minorities".

میں آپ کی اجازت سے ۲۹
آپ کے سامنے گزارش کرنا چاہتا
ہوں، کہ آزادی حاصل ہونے پر وہ
قریب ۲۸-۱۹ سال ہو گئے ہیں۔
اس میں حقوق اقلیت کو دئے گئے
ہوں۔ شدول کاسٹ، شدول ٹرائیوب
اور بھک وردہ کلاس کو دئے گئے ہیں۔
اس میں کوئی شک نہیں ہے۔
لیکن سوال یہ پیدا ہوتا ہے کہ
اس کی حدطت اب تک ہم کتنی
کر پائے ہیں۔ اور یہ جو حقوق
دئے گئے ہیں وہ کس طرح محفوظ
دے ہیں اب تک۔ جہاں تک میرا
اپنا خیال ہے ایک کہ چھوٹی سی ایک
بالت مدوی سمجھ میں آتی ہے کہ
اسلمیٹنگ انتھورٹیز ان حقوق کے
بوروکریٹس ہیں۔ لیکن یہ کتنا کر
پائے ہیں۔ یہ دیکھنے کی چیز
ہوئی۔ چاہے وہ نوکری میں ہو یا
بزنس میں ہو اس کو دیکھنا ہے۔
بڑی خوشی کی بات ہے کہ کانسٹیٹیوٹن
میں سیکولرزم شدہ جوڑا جا رہا
ہے۔ اس کے پری امیلڈ میں اس
کو مزید طاقت دینے کے لئے یہ
ضروری ہے کہ میں نے امیلڈ سیلٹ
کی ۲۲ عرض کیا ہے۔

"by virtue of being members of religious minorities".

آخر میں میں آپ سے عرض کرنا چاہتا ہوں۔ کہ میں نے جو اسٹیمپس کی صورت میں الفاظ رکھے ان کو رکھ دینے سے سورا ختمی ہے بیورو کریٹس کا جتنا پلجہ مضبوط

ہو گیا ہے اور جو اس میں لکھا ہوا ہے اس پر عمل ہو سکیگا - پڑھیں
ڈاکٹر ریمن سین کہتے تھے اسی
سبب میں مسلمانوں کے بارے میں
وہ بولتے چلے گئے کہ لوگ سبھا کو
ہی لے لہجئے - یہاں پر مسلمان
ستاف کنٹا ہے - میں اس کو نہیں
کہنا چاہتا لیکن سوال یہ ہے کہ
ڈاکٹر ریمن سین اور دوسرے لوگ
بیٹھ کر اس مسئلے کو حل
کریں - اور اس کو دیکھیں کہ کیا ہو
سکتا ہے - اس میں شکایت کی
کوئی بات نہیں ہے - مان لہجئے
کہ وہ لوگ نوکری میں نہیں ہوں یا
پنشن میں نہیں ہوں - تو بیٹھ کر
اس مسئلے کو حل کریں - اس میں
چھپ پڑ گریس کرنے کی ضرورت نہیں
ہے - بیٹھ کر کے مسئلے کو دیکھنا
چاہئے - کہ کھسہ کیا جا سکتا ہے
تاکہ ان کے حق معذرت ہوں اور
آئین میں جو لکھا گیا ہے اس کا
امپلیمینٹیشن ہو - میں سمجھتا ہوں
کہ اب وقت بالکل آ گیا ہے ، جب
آئین کو ری وائٹنگ دیا جائے - میں
اپنے معتمد لیڈر سے بھی گزارش کوونکا کہ
اس میں دیر کر کے سلیے ہیں کہ
جو وائٹ ایمیشن کے لوگ ہوں -
جن کا ذہن صاف نہیں ہو پایا ہے -
اس آئین کی ان کو اور شہہ ملے -
ایسی صورت میں یہ مزید ضروری
ہو گیا ہے - کہ کانستبل ٹیویشن کو ری

[شری محمد جمیل الرحمن]

رائٹ کیا جائے - ہم بیٹھ کر غور کریں اور دیکھیں کہ جو بھی کہیں ہیں ان کو لڑ سہے نہ دور کریں تاکہ دیس میں جو سہی طریقے سے سیکولرزم آیا ہے، مستحکم طریقے سے سوشلزم آیا ہے - ہمارا پرنسپل بھی ہے - رہ اور آگے بڑھے بھی میرا اصلی مقصد ہے - ان الفاظ کے ساتھ میں اپنے اسٹیمینٹ کو سپورٹ کرتا ہوں -]

श्री हरी किशोर सिंह (पुपरी) : अध्यक्ष जी, मेरा एक बहुत छोटा सा सुझाव है और वह इसलिए है कि प्रथम बार संविधान में प्रावधान किया गया है कि जो गरीब लोग हैं, मसबूर हैं उनको कानूनी सहायता राज्य की ओर से दी जायेगी। यह एक बहुत अच्छा कदम उठाया गया है। हमारे देश में ऐसे लोगों को न केवल आर्थिक कारणां से न्याय मिलने में कठिनाई उठाने पड़ती है बल्कि न्याय मिलने की जो अवधि है वह बहुत लम्बी होती है। कचहरियां में मुकदमे बहुत देर तक चलते रहते हैं, तारीखें बढ़ती रहती हैं, कभी तो मैजिस्ट्रेट लापता होते हैं और कभी वकील लापता होते हैं जिसके कारण गरीबों को परेशानी उठाने पड़ती है। इसके लिए मेरा सुझाव है कि इसमें शब्द "एकस्पेडिशन" जोड़ दिया जाये, एक अवधि निश्चित हो जाये कि फांती तारीख को कौन आया तो उसके तीन, चार या छः महीने में उस पर फैसला हो जायेगा न कि लगातार वर्षों तक वह चलता रहे। पहले एक कोर्ट, फिर दूसरी और तीसरी कोर्ट, इस तरह से सुप्रीम कोर्ट तक लोग मुकदमा ले जाते हैं। इस सन्दर्भ में मेरा सुझाव है कि कोई अवधि निश्चित कर दी जाये। लॉक एंड कमेटीज जो विभिन्न स्तरों पर बनाई गई है वह बड़ा अच्छा काम हुआ है। लेकिन जिलों के स्तर पर जो लीगल

एंड कमेटियां बनाई गई हैं, उनके सन्दर्भ में मैं कुछ कहना चाहता हूँ। इनका बहुत ही गलत ढंग में गठ किया गया है। मेरे अपने जिले—सोतामढ़, बिहार में जितने लैंग जन-संघों के दौरान हड़ताल कराने, कचहरियां बन्द कराने में वकीलों का नेतृत्व कर रहे थे, उन तमाम लोगों को लॉक-एंड कमेटी का सदस्य बना दिया गया है। बिहार में इस तरह की बहुत सी घटनाएँ हुई हैं, और मुझे जानकारी है कि अन्य प्रदेशों में भी ऐसा ही हुआ है। अगर इस तरह के लोगों के द्वारा कानूनी सहायता दी जायेगी तो किस तरह की कानूनी सहायता गरीबों को मिलेगी, आप स्वयं अनुमान लगा सकते हैं। इसलिये मेरा सुझाव है कि आप "एकस्पेडिशनसली" शब्द इस में जोड़ दें और कानूनी सहायता सम्बन्धी जो कमेटी बनाई जाय, उनके सदस्यों की वाफी छान-बान की जाय, प्रगतिशैल लोगों को, प्रगतिशैल वकीलों को ही उन कमेटियों का सदस्य बनाया जाय।

SHRI DHARNIDHAR DAS (Mangaldai): Mr. Speaker, Sir, I think, this amendment of mine to Clause 8 will be accepted by the Law Minister. This is a matter of planning and socialism without planning will remain a utopia. That is why I have moved my amendment to Art. 39B which reads:

"The State shall, by economic planning, coordinate the different sectors of the national economy, and direct all economic operations along socialist line by speeding up the process of nationalisation and co-operativisation of the means of production and distribution so as to rebuild India as a Socialist Republic".

The Directive Principles mean putting in action the principle of socialism embodied in the Preamble. Socialism is a new social system which can be given a practical shape only by economic planning. So, in the

Directive Principles of the State Policy, economic planning should be incorporated. The Directive Principles in a way represent the fundamental duties of the State. So, it is the responsibility of the State to see that the Directive Principles are implemented without any deviation or infringement. But we have seen how in the Directive Principles two clause of article 39 (b) and (c) have been violated all these years. Article 39 (b) says:

'that the ownership and control of the material resources of the community are so distributed as best to subserve the common good' and (c) says:

'that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.'

So, to that end we adopted national Planning in 1951. We should give a constitutional status to our planning. Take for example our Five Year Plans; upto Fourth Plan, there had been an investment of about Rs. 39,000 crores made but this huge investment has given the purchasing power to only 8 per cent of that total population while the generation of black money has been to the tune of Rs. 14,000 crores. The main point of conflict between socialism and capitalism is regarding the planning because Capitalism thrives on a free economy, known as free enterprise or laissez-faire. Capitalism is opposed to planned economy, because planning elevates the public and Cooperative sectors to the Commanding position of ownership and control of the entire economic system for directing the economy towards socialist goal. In other words, socialism is planning itself. Knowing this, the Congress set up a National Planning Committee as long ago as 1938 with Pandit Jawaharlal Nehru as Chairman. In our Industrial Policy Re-

solution, a planned direction of the national economy towards socialism through coordination of different sectors was emphasised. In explaining the Industrial Policy Resolution adopted in 1948, Pandit Nehru said that the public sector must act as the cannon at the hill top keeping under its control the private sector at the foot hill. He wanted the co-operative sector to grow into massive sector in size and strength and surround the private sector so that in course of time the private sector could be absorbed either in the public sector or in the co-operative sector.

But instead of this, we have seen that economic wealth and power is concentrated in a few hands, so much so that while the Birlas had in 1947 as assets amounting to Rs. 40 crores, in 1975 these had jumped to more than Rs. 600 crores. This has distorted the whole economy and has made planning meaningless. Planning means fixation of prices and adjustment of prices to income and wages. But this was not done. So while we have been planning, actually a planless economy is operating. This is because the private sector has about three-fourths of the total economy in its fold more than 80 per cent of production of consumer goods and about 90 per cent of consumer goods trade and so on.

So I have moved this amendment for insertion in article 39. We cannot have a socialist economy without controlling the private sector to subserve the socialist aim and without transforming the capitalist economy along socialist line. This cannot be done unless we incorporate planning in the Directive Principles of State Policy. Since Shri Gokhale has given a call for a socio-economic revolution, I hope he will accept this amendment, because that revolution will remain only in words unless planning is given a constitutional status and acquires the force of law. Therefore, I request him to accept this amendment.

श्री इसहाक सम्भली (अमरोहा) :
स्पीकर साहब, हमने इर में एक एमेंडमेंट दिया है, जिस में हमने मांग की है कि 28वीं लाइन के बाद 29 वीं जोड़ दिया जाए, जो कि इस प्रकार है :

“after line 28, insert—

“39B The State shall take all necessary steps for full protection of the rights of Muslim and other minority communities and those belonging to the Scheduled Casts and Scheduled Tribes and other weaker sections in all spheres of national life, particularly in matter of education and employment.”

स्पीकर साहब, हम को डाइरेक्टव रिजिप्स में इसलिए तरमीम देने की जरूरत पेश आई क्योंकि हम ने यह देखा कि आजादी के बाद बदकिस्मती से हिन्दुस्तान के अन्दर जो फ़िरकावारियत ने उड़ पवड़ी और जो यहां फ़िरकावारियत को लेकर कुछ लोगों ने अपने मकसद को पूरा करने की कोशिश की और बेजा बेजा ध्वरोक़ेसी के जरिये, कुछ कम्युनल अनासिर के जरिए उन्होंने पूरी कोशिश की। उन्हें खुली छूट दी गयी कि वे इलेक्शन प्रोपेगण्डे में, कम्युनल प्रोपेगण्डे के लिये रीजनल और वीकर सेक्शंस का उनके खिलाफ़ इस्तेमाल करें। उसका नतीजा आपको मालूम है कि बावजूद गवर्नमेंट के डी० ओ० के, बावजूद आपकी हिदायतों के उन पर अमल दरामद नहीं हुआ। आपने यहां तक देखा कि हिन्दुस्तान के अन्दर करीब दस हजार कम्युनल राइट्स हुए। आपने देखा कि हिन्दुस्तान के अन्दर कितने हरिजनों को ज़िन्दा जलाया गया। आपने देखा कि हिन्दुस्तान के अन्दर बैकवर्ड क्लासिज को पीछे रखा गया। यह सब सरकारी हिदायतों के बावजूद हुआ ?

स्पीकर साहब, मैं आपकी तबज़ह दिलाना चाहता हूँ कि हम लोग तारीफ़ करते हैं कि

1969 में कांग्रेस के बटवारे के बाद हालात बदले हैं। लेकिन मैं पूछना चाहता हूँ कि शेड्यूल्ड वास्ट्स को जितना सरविजिज में प्रपोज़न मिलना चाहिए था वह मिला ? जवाब नहीं है। बैकवर्ड क्लासिज को जितना मिलना चाहिए था, क्या वह मिला ? जवाब नहीं है। मुसलमानों और दूसरी कम्युनिटीज को जितना मिलना चाहिए था, वह मिला या नहीं ? उसका जवाब भी नहीं है।

आपको याद होगा कि सैक्युलर डेमोक्रेसी में बहुत अच्छी तरह से इस चीज़ को बतलाया गया था। आपके डिफ़ेन्ट डिपार्टमेंट्स में, पूरे के पूरे डिपार्टमेंट्स में, इन्क्लुडिग सेन्ट्रल सेक्रेटेरिएट, इन्क्लुडिग लोकसभा सेक्रेटेरिएट, इन्क्लुडिग राज्य सभा सेक्रेटेरिएट मुसलमान निल नजर आते हैं। स्पीकर साहब, इतना ही नहीं, मैं मिस्टर सिद्धार्थ शंकर रे की तारीफ़ करूंगा, प्राइम मिनिस्टर मिसिज इंदिरा गांधी, हेमवती नन्दन बहुगुणा की जिन्होंने ये आर्डर जारी किये कि उनकी स्टेट में हरिजनों को, मुस्लिम्स को, बैकवर्ड क्लासिज को पूरे हक़ दिये जायें, लेकिन उन हिदायतों के बावजूद उनका नतीजा है जीरो। बंगाल के अन्दर हिदायतें जारी की गयीं तो वहां के एस० पी० ने जाकर कह दिया कि यहां पर मुसलमान कोई है नहीं जिसको लिया जा सके। कल मुसलमान वहां इतने नापेद हो गये हैं ! किसी भी मुसलमान को नहीं लिया गया।

कम्युनिस्ट पार्टी नहीं चाहती है कि रिजर्वेशन के लिए हम कुछ बहें, रिजर्वेशन के लिए कोई आवाज उठाये। लेकिन जब हम देखते हैं कि तीस साल की आजादी के बाद भी, तीस साल आजादी के गुजर जाने के बाद अभी तक उनको फ़ुल राइट्स नहीं दिये गये तो हमको आवाज उठानी पड़ती है। कम्युनिस्ट पार्टी हमेशा वीकर सेक्शंस, माइनोरिटीज के लिए आवाज उठाती है और इजोहद करती रही है। यह दूसरी बात है कि आपने बहुत देर में जाकर के इस चीज़ को अपनाया।

स्वाकर साहब, कान नहीं जानता कि हमने 1948 में मांग की थी कि तनाम पड़ी-सियों के साथ, इंकलुडिंग पाकिस्तान, अच्छे ताल्लुकात कायम होने चाहियें। उस वक्त जनसंघ ने आसमान को सिर पर उठा लिया था। आज सभी जगह कहा जाता है कि तमाम नेबर कन्ट्रीज, इंकलुडिंग पाकिस्तान, से अच्छे ताल्लुकात होने चाहिएं। हमने आवाज उठायी कि बीकर सेक्शंस और शेड्यूल्ड कास्ट्स के साथ जो बर्ताव हो रहा है उसे खत्म किया जाय और स्पेसिफिक स्कीम्स के तहत उन्हें जमीनें दी जाय। उस वक्त हम आवाज उठाते थे और जेल भेज दिये जाते थे। हमें खूशी है कि पार्टी इन पावर में जो अच्छे लोग हैं उन्होंने इस आवाज को अपनाया और इस पर कानून बना कर अमल दराभद शुरू किये। हमारी यह ख्वाहिश नहीं थी कि हम रिजर्वेशन के लिए आवाज उठावें लेकिन जब हमने देखा कि डी० एम० सी० के फटिलाइजर प्रोजेक्ट, जो कोटा में है, में अगर कोई यह कहे कि मेरा नाम अब्दुल रहमान है, तो उसको भर्ती नहीं किया जाता है। उस मुसलमान को कह दिया जाता है कि जाओ यहाँ आपको जगह नहीं मिलेगी। दिल्ली के अन्दर स्कार्टस जिसके सर्वे-सर्वा श्री एस० पी० नन्दा बने बैठे हैं जो 1967 के इलेक्शन में जनसंघ के फाइनलर थे, अपने चार परसेंट शेअर्स को बदौलत मालिक बने बैठे हैं, उनके यहाँ माइनोरिटी कम्युनिटी, मुस्लिम कम्युनिटी के आदमी का नामोनिशान नजर नहीं आता।

इसलिए कम्युनिस्ट पार्टी ने हैदराबाद में मुस्लिम प्रॉब्लम्स पर कान्फ्रेंस करके भांग की कि इनके वास्ते सर्विसिज में रिजर्वेशन किया जाए, शेड्यूल्ड कास्ट्स, ट्राइब्स वगैरह के लिए जो रिजर्वेशन है और उसमें जो कमी है उसको पूरा किया जाए। जो फलादात होते हैं उनको रोकने के लिए, हरिजनों मुसलमानों पर जहाँ कहीं हमला होता है, जहाँ कहीं उनकी जानोमाल को नुकसान पहुंचाने की

कोशिश की जाती है मेरी भांग है कि वहाँ दोषी लोगों को सख्त से सख्त सजा दी जाए और इनके प्रोटेक्शन का पूरा पूरा इन्तेजाम किया जाए। हमारी भांग है कि डायरेक्टिव प्रिंसिपल्स में इस दफा को जोड़ा जाए।

बजाय इसके कि कम्युनिस्ट पार्टी इस चीज के लिए आवाज उठाए जो पार्टी इन पावर हैं, जिस पार्टी की सरकारें हैं उनको चाहिये था कि वे इस काम को करतीं। चूँकि उन्होंने ऐसा नहीं किया इसलिए कम्युनिस्ट पार्टी के लिए यह कहना कि यह मांग प्रापगेण्डे के लिए उठाई जा रही है अफसोसनाक ही नहीं शर्मनाक भी है। कम्युनिस्ट पार्टी ने कभी प्रापगेण्डे के लिए ऐसा नहीं कहा है। इस हाउस में ऊधर लोग हैं जो खुद मुझ से हाउस के बाहर कहते हैं कि इन चीजों के लिए आवाज उठानी चाहिये। मैं उम्मीद करता हूँ कि मिनिस्टर साहब इस दफा को इस में जोड़ेंगे ताकि माइनोरिटीज के साथ पूरी तरह से इन्साफ हो सके और हिन्दुस्तान की सैक्युलरिज्म की नेकनामी की शोहरत हासिल हो सके।

[غوی استحقاق سلبولہ (امروہ) -
 سپیکر صاحب ہم نے اس میں
 ایک امپلمنٹ دیا ہے - جس میں
 ہم نے مانگ کی ہے کہ انٹیمسٹ
 لائن کے بعد انٹیمسٹ جوڑ دیا جائے
 جو کہ اس پر کار ہے -

'after line 28, insert

"39-B. The State shall take all necessary steps for full protections of the rights of Muslims and other minority communities and those belonging to this Scheduled Castes and Scheduled Tribes and other weaker sections in all spheres of national life, particularly in matter of education and employment."

[شی اسحق سلیمانی]

سپیکر صاحب ہم کو ڈائریکٹو
یونیورسٹیز سوسائٹی ترمیم دینے کی
ضرورت پیش آئی کیونکہ ہم نے یہ
دیکھا کہ آزادی کے بعد بدقسمتی سے
ہندوستان کے اندر جو فرقہ واریت نے
جو پکڑی اور جر یہاں فرقہ واریت
کو لے کر کچھ لوگوں نے اپنے مقصد
کو پورا کرنے کی کوشش کی اور
بے جا وجہ برہوکریسی کے ذریعے
کچھ کونسل عناصر کے ذریعے انہوں
نے پوری کوشش کی - انہوں نے ای
چھوڑ دی گئی کہ وہ الیکشن
یونیورسٹیز میں کمنل پریزیڈنٹ
راجنل اور ویکر سیکشنز گان کے خلاف
استعمال کریں - اس نتیجے آپ کو
معلوم ہے کہ باوجود گورنمنٹ کے قی
اور کے باوجود آپکی ہدایتوں کے ان
پر عمل درآمد نہیں ہوا - آپ نے
یہاں تک دیکھا کہ ہندوستان کے
اندر قریب دس ہزار کونسل رائٹس
ہوئے - آپ نے دیکھا کہ ہندوستان
کے اندر کئی ہریجوں کو زندہ جلا
کھا - آپ کے دیکھا کہ ہندوستان کے
اندر بیکورڈ کلاسز کو پیچھے رکھا گیا
یہ صرف سرکاری ہدایتوں کے باوجود
ہوا -

سپیکر صاحب میں آپکی توجہ
دلانا چاہتا ہوں کہ ہم لوگ تعریف

کرتے ہیں کہ 1969 میں کانگریس
کے ہٹوارے کے بعد حالات بدلے ہیں
لیکن میں پوچھنا چاہتا ہوں کہ
شیڈیوئلڈ کاسٹس کو انڈا سرورسز میں
پریوریشن ملنا چاہئے تھا کیا ملا؟
جواب نہیں ہے - بیکورڈ کلاسز کو
کتنی ملنا چاہئے تھا کیا ملا؟ جواب
نہیں ہے؟ مسلمانوں اور دوسری
کمینٹیز کو کتنی ملنا چاہئے تھا وہ
ملا یا نہیں؟ اسکا جواب بھی نہیں ہے -

آپکو یاد ہوگا کہ سیکولر ڈیموکریسی
میں بہت اچھی طرح سے اس چیز
کو بھلا گیا تھا - آپکے مختلف
ڈپارٹمنٹس میں، پورے کے پورے
ڈپارٹمنٹس میں، انکلیوٹنگ سیکٹرل
سیکریٹریٹ - انکلیوٹنگ لوک سبھا
سیکریٹریٹ انڈیا، رینگ راجہ سبھا
سیکریٹریٹ، مسلمان نل نظر آتے
ہیں - سپیکر صاحب اتنا ہی نہیں
میں مسٹر سدھارتھ شکرے دے کی
تعریف کوونکا، پرائم مسٹر مسز
اندرا گاندھی، ہیمنٹی لندن بہوگنا کی
جملہوں نے یہ آرڈر جاری کئے کہ ان کی
ستیت میں ہریجوں کو - مسلمانوں کو
بیکورڈ کلاسز کو پورے حقوق دئے جائیں -
لیکن ان ہدایتوں کے باوجود ان کا
نتیجہ ہے یہی - بلکال کے اندر
ہدایتیں جاری کی گئیں تو وہاں کے
پس - بی نے جا کر کہہ دیا کہ یہاں

پر مسلمان کوئی ہے نہیں جس کو لہا جا سکے - کیا مسلمان وہاں اٹنے ناپید ہو گئے ہوں؟ کسی بھی مسلمان کو نہیں دہا گیا - کمیونسٹ پارٹی نہیں چاہتی ہے کہ ریپزولیشن کے لئے ہم کچھ کہیں، ریپزولیشن کے لئے کوئی آواز اُٹھائیں - لیکن جب ہم دیکھتے ہیں کہ یہ سال کی آزادی کے بعد بھی، تیس سال آزادی کے گذر جانے کے بعد ابھی تک ان کو فل رائٹس نہیں دیئے گئے تو ہم کو آواز اُٹھانی پڑتی ہے - کمیونسٹ پارٹی ہمیشہ دیگر سیکشنز، مائیلوریٹھز کے لئے آواز اُٹھاتی اور جدو جہد کرتی رہی ہے - یہ دوسری بات ہے کہ آپ نے بہت دیر میں جا کر اس چوڑ کو اپلایا -

سپیکر صاحب کون نہیں جانتا کہ ہم نے 1948ء میں مانگ کر تھی کہ تمام پڑوسیوں کے ساتھ انکلیوٹنگ پاکستان اچھے تعلقات قائم ہونے چاہئیں۔ اس وقت جن سائیکہ نے آسمان کو سر پر اُٹھا لیا تھا - آج سبھی جگہ کہا جاتا ہے کہ تمام نیچر کلتریز انکلیوٹنگ پاکستان سے اچھے تعلقات ہونے چاہئیں۔ ہم نے آواز اُٹھائی کہ دیگر سیکشنز اور شیلڈ کلاس کے ساتھ جو ہرتاؤ ہو رہا ہے اسے ختم کیا جائے اور سپیسٹک سکیم کے تحت انہیں زمین دی جائے۔ اس وقت ہم آواز اُٹھاتے

تھے اور جیل بوجھ دیتے جاتے تھے - ہمیں خوشی ہے کہ پارٹی ان پاور میں جو اچھے لوگ ہیں انہوں نے اس آواز کو اپلایا اور اس پر قانون بنا کر عمل درآمد شروع کئے - ہماری خواہش نہیں تھی کہ ہم ریپزولیشن کے لئے آواز اُٹھائیں لیکن جب ہم نے دیکھا کہ سی - ایم - سی کے نوٹیلانڈز پراجیکٹ جو کوتاہ میں، میں اگر کوئی یہ کہے کہ پرا نام عبدالرحمان ہے تو اس کو بھرتی نہیں کیا جائیگا - اس مسلمان کو ہم دیا جاتا ہے کہ جڑ یہاں آپ کو جگہ نہیں ملے گی - دلی کے اندر اسکاؤٹس جس کے سروے سروا شری ایس پی نادر بلے بھٹے ہیں جڑ 1967ء کے الیکشن میں جن سنگھ کے فائلڈر تھے اپنے چار پرسیڈنٹ شیڈز کی بدولت مالک بلے بنے ہیں، آج یہاں مائیلوریٹی کی روایتی، مسلم کمیونٹی کے آدمی کا نام و نشان نظر نہیں آتا - اسلئے کمیونسٹ پارٹی نے حیدرآباد میں مسلم پراولڈز پر کانگریس کر کے مانگ کی کہ ان کے واسطے سروسز میں ریپزولیشن کیا جائے، شیلڈ کلاس، ٹرائیز وغیرہ کے لئے جو ریپزولیشن ہے اور اس میں بھی جو کمی ہے پورا کیا جائے - جو وادار ہوتے ہیں انکو روکنے کے لئے، ہویچلوں مسلمانوں پر جہاں کہیں حملہ ہوتا ہے جہاں کہیں ان کی جان و مال نقصان پہنچائے

[श्री اسحاق سلیمانی]

کی کوشش کی جاتی ہے مہربی مانگ
ہے کہ وہاں دوشی لوگوں کو سخت
سے سخت سزائیں دی جائیں اور
ان کے پروٹیکشن کا پورا پورا انتظام
کھا جائے۔ ہماری مانگ ہے کہ ڈائریکٹو
پرنسپلز میں اس دفعہ کو جوڑا جائے۔

بجائے اس کے کہ کمیونسٹ پارٹی
اس چیز کے لئے آواز اٹھائے جو پارٹی
ان پاروں ہے جس پارٹی کی سرکاری
ہوں ان کو چاہئے تھا کہ وہ اس کام
کو کریں۔ چونکہ انہوں نے ایسا نہیں
کھا اس لئے کمیونسٹ پارٹی کے لئے
یہ کہنا کہ یہ مانگ پرائیویٹ کے لئے
اٹھانی جا رہی ہے انفرسنگ میں
نہیں شامل ہوئی ہے۔ کمیونسٹ
پارٹی نے کبھی پرائیویٹ کے لئے ایسا
نہیں کیا۔ اس ہاؤس میں اُدھر
لوگ ہوں جو خود مجھ سے ہاؤس کے
باعر کہتے ہیں کہ ان چیزوں کے لئے
آواز اٹھانی چاہئے۔ میں اُمید کرتا
ہوں کہ منسٹر صاحب اس دفعہ کو
اس میں جو چیزیں کے تاکہ مائیکرو پیٹر
کے ساتھ پوری طرح سے انصاف ہو سکے
اور ہندوستان کی سیکولرزم کی نیک
نامی کی شہرت حاصل ہو سکے۔]

DR. KAILAS (Bombay South):
Sir, my amendment has been moved
with a specific purpose. I have moved
this amendment after reading the
Directive Principles of the State
Policy. The article 39 says:

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

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

I have read this Article and still I
move this amendment. Mr. Gokhale
had also referred to this Article in
his speech. Though there is a di-
rective given to secure these means
of livelihood to the citizens but it
remained on paper. My explanation
is a little different and that is why I
am requesting the Minister to accept
my amendments. Sir, except the
States of Maharashtra and Gujarat,
no other States have even thought
of having the policy in which a large
number of young men and women can
be employed. A special levy is being
charged on the road tax and on the
electricity charges by the Maharashtra
Government for the purpose of giving
employment to a large number of
young men and women under the un-
employment scheme for the last three
years. As the wordings under this
Article are not quite specific, other
states did nothing. Therefore, it is
perhaps very essential why we are
putting the Directive Principles above
the Fundamental Rights. Now, there-
fore, we must try to explain and
pin-point this particular idea. My
amendment, therefore, be accepted. I
am sure the hon. Minister, Mr.
Gokhale will kindly consider this
request and accept the amendment
suggested by me.

श्री बिमल शिव (मोतिहारी) : आप 39
में सुधार लाए हैं। 39(ए) (एफ) में
यह लिखा हुआ है :

"39 (f) that childhood and youth are pro-
tected against exploitation and
against moral and material aban-
donment."

मैं समझता हूँ कि यह नेगेटिव चीज है और
इसको मजबूत करने के लिए मैंने अपना

एम्प्लॉयमेंट नम्बर 489 दिया है। उसमें मैंने कहा है :

“39B. The State shall—

(a) provide free education to all section 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.”

जब बच्चों को यह सुरक्षा देर है हैं कि उनका शोषण न हो तो यह कैसे सम्भव होगा जब तक आप उनको मुफ्त शिक्षा नहीं देंगे, जब तक एम्प्लॉयमेंट नहीं देंगे और बाद में बुढ़ापे में उनकी सुरक्षा का प्रबन्ध नहीं करेंगे? अगर ऐसा नहीं करेंगे तो यह कान ब्रूरा ही रहेगा। 39(बी) में आपने लींगल एंड के लिये कहा है, लेकिन इस आर्टिकल का जो सब-क्लाज (एक) है इसकी मजबूत करने के लिए मैंने यह संशोधन दिया है। अध्यक्ष जी, आप देखते होंगे कि रोजगार के लिये कितने आदमी हम लोगों के यहां आते रहते हैं। आपके यहां तो और अधिक तादाद में पहुंचते होंगे। सरकार जब सोशलिज्म का नारा लगाती है और आप उसको संविधान में बने जा रहे हैं तब सरकार इस बात को अब क्यों छोड़ रही है। इसलिये मैं चाहूंगा कि सरकार मेरे संशोधन को स्वीकार करे। और अगर सरकार को नहीं स्वीकार करना है तो एक बात मैं बताता हूं कि जब हम लोग तर्पण करते हैं तो सब पूर्वजों का एक साथ नाम लेकर तर्पण कर देते हैं कि सबको जल दे दिया। ऐसे ही अगर इस बिल को पास करना है तो एक साथ मूव कर दीजिये और

हम लोग हां कह देंगे क्योंकि हम लीग डिस्प्लिन के अन्दर बंधे हैं। लेकिन चूंकि हम लोग चुने हुए हैं इसलिये सरकार हमारी बात को सुने और उस पर गौर करे। और अगर नहीं सुनता है तो हमारा मेम्बर रहना बेकार है, अपने घर पर रहेंगे और काम करेंगे। मरना तो सब को ही है। चाहे वह राजा हो या रंक। 39(बी) का संशोधन मेरे संशोधन के बगैर बेकार रह जाता है क्योंकि मेरा पोजिटिव संशोधन है, इसलिये सरकार इस को स्वीकार करे। आत्र घनी लोगों के लड़कें ही पब्लिक स्कूलों में पढ़ते हैं, सेंट जोवियर में और सेंट के लम्बस में पढ़ते हैं, और गरीबों के बच्चे आज भी बकरी चरते हैं। अगर 25 साल में हम सोशलिज्म नहीं ला सके तो कब लायेंगे। रूस में सबको सरकार पढ़ाती है। जब हम भी अपने यहां सोशलिज्म ला रहे हैं तो क्यों नहीं सबको पढ़ाते हैं, एम्प्लॉयमेंट देते हैं और बुढ़ापे में सुरक्षा प्रदान करने की व्यवस्था करते हैं? मेरा निवेदन है कि इन सब बातों का आप जवाब दें।

श्री शंकर दयाल सिंह (चतरा) : अध्यक्ष जी, मैंने जो संशोधन पेश किया है वह छोटा सा है। एक तो निःशुल्क के पश्चात् ‘समुच्च’ और आर्थिक के पश्चात् ‘बौद्धिक’, यह दो शब्द हमने जोड़ने को कहे हैं। जो संविधान का संशोधन माननीय विधि मन्त्री ने पेश किया है उसमें बहुत महत्वपूर्ण संशोधन हैं। गरीबों को मुफ्त कानूनी सहायता देने के क्षेत्र में दोनों ही मन्त्रियों ने बहुत महत्वपूर्ण काम किये हैं। और जब से प्रधान मन्त्री ने 20 सूरी कार्यक्रम की घोषणा की उसके बाद से गरीबों को निःशुल्क कानूनी सहायता देने में काफी काम राज्य सरकारों ने केन्द्रीय सरकार की सहमति से और केन्द्रीय सरकार के पैसे से किया है। मुफ्त कानूनी सहायता का संशोधन तो आपने दे दिया है, लेकिन ऐसा न हो कि वकील लोग मुफ्त कानूनी सहायता

[श्री शंकर दयाल सिंह]

को मुखिया की तरह से टूट करें। आप ऐसे वकीलों को ही गरीबों को मुफ्त कानूनी सहायता के लिये नियुक्त न कर दें जो कि सब मुकदमे हार जायें।

इसलिये इसके पीछे जो स्पिरिट है, भावना है कि गरीबों को हम को जो मुफ्त कानूनी सहायता देना चाहते हैं, उसमें हम इस बात को रखें कि कानूनी सहायता इसलिये दे रहे हैं कि उनके ऊपर जो दुःख के पहाड़ हैं, उनसे हम उनको छुटकारा दे सकेंगे।

आज ही अखबारों में निकला है कि देश के एक विधिवेत्ता डा० लक्ष्मीमल सिंघवी ने लन्दन में स्पीच दी है और कहा है कि वक्त आ गया है कि हिन्दुस्तान में विधि को हम खास तौर से मानवतावादी दृष्टिकोण से देख रहे हैं। मुकदमेबाजी में जितना महंगा न्याय इस देश में है, उससे महंगा कुछ नहीं है। जितने चीजों के भाव बढ़े हैं वह सबके सब सस्ते हैं लेकिन न्याय इतना महंगा है कि एक गरीब अगर डिस्ट्रिक्ट कोर्ट या हाईकोर्ट में कहीं भी मुकदमा लड़े तो उसको जेवर बेचने पड़ जाते हैं, घर गिरा रखना पड़ जाता है और जमीन बेचनी पड़ जाती है। तब जाकर वह मुकदमा लड़ पाता है।

करैक्ट फ़िरर तो मुझे याद नहीं है लेकिन मैं समझता हूँ कि देश में करीब 5 लाख से अधिक मुकदमे पैडिंग पड़े हैं। होता यह है कि जो कृषक, मजदूर या लैंडलेस लेबरर मुकदमा लड़ने जाता है उसको करीब 600 रुपये मुकदमे के लिए पेशगी देने पड़ते हैं। इसलिये बराबर इस बात की मांग रही है कि गरीब को मुफ्त कानूनी सहायता दी जाये। मुझे खुशी है कि कांग्रेस पार्टी ने सबसे आगे बढ़ कर इस बारे में काम किया है।

फोरम आफ लायर्स एण्ड लीगल एड खुला है और हर प्रान्त में इसकी शाखाएं

डिरीजन लैबल और सब-डिरीजन लैबल पर खुल रही हैं। मैं यह कहना चाहता हूँ कि अभी ऐसे ही वकील हैं इसलिये 'बौद्धिक' शब्द जोड़ा जाना चाहिये जिससे बौद्धिक क्षमता भी आ सके। साथ ही अब भी वकीलों को वकालत करने के लिये लाइसेंस देते हैं, उसमें भी यह होना चाहिये कि उनको महीने में कनसेन्सम 10 मुकदमे गरीबों के लिये मुफ्त करने पड़ेंगे। यह बिल्कुल निश्चित कर दिया जाये। यह मैं इसलिये भी कह रहा हूँ कि चूंकि ग्रामीण मजदूर या खेतहार मजदूर या भूमिहीन मजदूर आदि का सम्बन्ध इन चीजों से सबसे अधिक होता है।

सरकार ने 20-स्तरी कार्यक्रम के अन्दर लोगों को जमीन की पट्टेदारी दे दी, जमीन का डिस्ट्रीब्यूशन तो कर दिया, लेकिन मैंने खेद पिछली बार अपने क्षेत्र में घूम-घूम कर देखा है कि 25 प्रतिशत से अधिक लोगों को 2, 2 और 3, 3 साल पहले पट्टे मिल गये हैं लेकिन भूमि का अधिकार अभी तक नहीं मिला है। अधिकार मिलने में इसलिये दिक्कत होती है कि बड़े आदमी पेशकारों को पेशगी पैसा देकर डेट पर डेट ले लेते हैं और तारीख बढ़ाये जाते हैं।

हमारे जो विधि मन्त्री हैं, वह स्वयं इस भावना को समझते हैं। वही इसको पायलट कर रहे हैं। वह केवल मन्त्री ही नहीं हैं, बल्कि देश के एक अच्छे वकील हैं, कानूनदा हैं और विधि के ज्ञाता हैं। इसलिये मैं उनसे कहना चाहता हूँ कि अब इस क्लॉज को रखा है, तो इसको इस तरह से व्यावहारिक दृष्टि में रखें जिससे गरीबों को वास्तविक रूप में मदद मिल सके। नहीं तो होता यह है कि केन्द्रीय सरकार जो राज्य सरकारों को कुछ पैसा एलाट करती है, मैं जानता हूँ कि राज्य सरकार उन्हीं वकीलों को मुकदमे देती है, जिनकी वहां तक पहुंच होती है। इस तरह का काम नहीं होना चाहिये। हर व्यक्ति को इस बात का अनुभव होगा कि स्टेट में उन्हीं लोगों को

इस तरह मुकदमे दिये जाते हैं जिनकी पहुँच होती है, पैरवी करते हैं। इस तरह से गरीबों की हानि हो जाती है। इसलिये मेरा अनुरोध है कि मैंने जो संशोधन यहाँ पर दिया है, एक तो "बौद्धिक" जिनमें इन्टेलिक्चुअल क्षमता होगी, ऐसे लोगों को रखें और दूसरे 'समुचित' शब्द रखें जिससे वह पूरा मुकदमा लड़ सकें। ऐसा न हो सके कि एक मुकदमे में वह जायें और दूसरी तरफ़ वाला ज्यादा पैरवी करे तो उससे इनका पैसा भी चला जाये और ये मुकदमा भी हार जायें। मेरा यही निवेदन है।

श्री रामावतार शास्त्री (रटना) :
अध्यक्ष महोदय, संविधान के अनुच्छेद 39 में छः निदेशक सिद्धान्तों की चर्चा है। इस विधेयक के द्वारा सरकार एक सातवाँ निदेशक सिद्धान्त जोड़ना चाहती है। हम लोगों ने, यानि कम्युनिस्ट दल ने, एक आठवाँ निदेशक सिद्धान्त जोड़ने के लिए यह संशोधन पेश किया है :

"39ब. राज्य राष्ट्रीय जीवन के सभी क्षेत्रों में विशेष रूप से शिक्षा और रोज़गार के मामले में मुत्तलमानों और अन्य अल्पसंख्यक समुदायों तथा अनुसूचित जातियों और अनुसूचित जनजातियों के लोगों और अन्य दुर्बल वर्गों के लोगों के अधिकारों को पूर्ण संरक्षण प्रदान करने के लिए सभी आवश्यक कदम उठाएगा।"

यह संशोधन बिल्कुल स्पष्ट है। हम सब लोग यह चाहते हैं कि मुत्तलमानों तथा दूसरे अल्पसंख्यक समुदायों, अनुसूचित जातियों और अनुसूचित जनजातियों और आर्थिक तथा सामाजिक रूप से कमजोर वर्गों के लोगों का उद्धार किया जाय। इसी उद्देश्य से प्रधान मंत्री जी ने 20-सूत्री कार्यक्रम की

घोषणा की, जिसकी कार्यान्विति के लिए सम्पूर्ण देश कोशिश कर रहा है और हम लोग उसके लिए ज्यादा से ज्यादा प्रयत्नशील हैं। लेकिन जब सरकार यह चाहती है कि इन पिछड़े हुए वर्गों को ऊपर उठाया जाये और उन्हें समुचित अधिकार प्रदान किये जायें तो वह इस बात को राज्य के निदेशक सिद्धान्तों में जोड़ने से क्यों कतराती है? अगर सरकार इन लोगों को संविधान में संरक्षण नहीं देगी, तो एक तो इन लोगों को ज्यादा से ज्यादा ऊपर उठाने का सरकार का मकसद पूरा नहीं हो सकेगा, और दूसरे इन समुदायों में सरकार की नीतियों और इरादों के बारे में एक संदेह की भावना उत्पन्न होगी।

अभी आप ने सुना कि इन लोगों के साथ किस तरह से अत्याचार होते हैं और इनके प्रति पक्षपातपूर्ण नीति बरती जाती है। हमारे देश की 60 करोड़ की जनसंख्या में मुसलमानों की आबादी 6 से 8 करोड़ है। पिछड़े हुए और दुर्बल वर्गों के लोग भी हमारे देश में करोड़ों की तादाद में हैं। अगर इन सब को मिलाया जाये, तो वे लोग हमारे देश में बहुमत में होंगे। लेकिन उनके अधिकारों को संरक्षण देने की बात निदेशक सिद्धान्तों में शामिल नहीं है।

कुछ लोग कहते हैं कि मुसलमान समुदाय के लोग राष्ट्रीय धारा से अलग हैं। मैं इस बात को नहीं मानता हूँ। वे राष्ट्रीय धारा में हैं और उनको और मजबूती के साथ राष्ट्रीय धारा में शामिल करने के लिए यह जरूरी है कि हम उनकी कठिनाइयों को समझें। उन की परम्परा साम्राज्यवाद-विरोधी रही है। अरब मुल्कों में जो साम्राज्यवाद-विरोधी आन्दोलन चल रहे हैं, हिन्दुस्तान के सब मुसलमान उनका समर्थन करते हैं। जो लोग इस तरह का प्रचार करते हैं, वे या तो पूंजी-नितियों के चाटुकार हैं, या वे साम्प्रदायिक तत्वों से प्रेरणा लेते हैं।

[श्री शंकर दयाल सिंह]

यह जरूरी है कि उनके लिए नौकरियों में कोटा रखा जाये। इसका अर्थ यह नहीं है कि हम उनके लिए पृथक् निर्वाचन की मांग कर रहे हैं। नहीं। वह गलत होगा। हम मांग कर रहे हैं कि नौकरियों में वह बहुत पीछे हैं जिसकी चर्चा हुई है, आप देख लीजिए, चपरासी तक की नौकरियों में वह नहीं मिलेंगे, बड़े-बड़े अफसरों की बात तो छोड़ दीजिए, तो उनको कुछ आगे बढ़ाने के लिए कुछ कोटा बना सकते हैं, उससे उनको कुछ मदद मिलेगी आगे बढ़ने में।

दूसरी चीज है शिक्षा। शिक्षा में वे बहुत पीछे हुए हैं। उनकी भाषा के माध्यम से शिक्षा नहीं दी जाती। . . . (व्यवधान)
. . . . शिक्षा अब स्टेट का सवाल नहीं है। शिक्षा के मामले में आप देखें बहुत जगह उर्दू स्कूल नहीं हैं जहां उर्दू भाषाभाषी लोगों की आबादी है। अगर उर्दू स्कूल हैं तो शिक्षक नहीं हैं और अगर वह शिक्षक हैं भी तो वे दूसरी भाषा पढ़ाते हैं। यह क्या तरीका है। उनको इसके लिए सहूलियत दीजिए। उर्दू भाषा को आप संरक्षण दीजिए। मुस्लिम आबादी के लिए जो केवल उर्दू ही जानते हैं स्टेशनों पर उनके नाम उर्दू में लिख दीजिए। सरकारी विज्ञप्तियां और सरकारी एलानात उर्दू में भी निकाला करें। आप अंग्रेजी में निकालते हैं, ठीक है, और भाषाओं में निकालते हैं, सभी भाषाओं में निकालना चाहिए। आठवीं अनुसूची में उर्दू को भी स्थान प्रप्त है। उर्दू भी एक राष्ट्र भाषा है। आठवीं अनुसूची में जितनी भाषाएं हैं सभी राष्ट्र भाषा हैं। इसलिए उर्दू में भी उस तरह की सरकारी विज्ञप्तियां और एलानात निकालने चाहिए।

इसी तरह से बहुत से मुसलमान और हिन्दू भी स्लम्स में रहते हैं जहां गलत तरीके से उनको भड़का कर साम्प्रदायिक दंगे करवाये जाते हैं। वे विकसित हों, आगे बड़े इसका

उपाय कीजिए। आज बैंकवर्क कम्प्यूटिटी में या अनुसूचित जातियों में बहुत से मुसलमानों को जोड़ा जा सकता है, उनको जोड़ा नहीं गया। उनको उसमें जुड़वाई ताकि उनको आगे बढ़ने में मदद मिले।

दूसरी बात—जैसे आप ने शेड्यूल कास्ट और शेड्यूल ट्राइब्स के लिए कमिश्नर की नियुक्ति कर रखी है ऐसे ही माइनॉरिटीज के लिए, मुसलमानों के लिए, कमिश्नर बहाल कीजिए जो उनके तमाम सवालों को दखे। यह चार पांच बातें अगर आप कर सकें तो जाहिर बात है कि हिन्दुस्तान के मुसलमान किसी से पीछे नहीं रहेंगे हिन्दुस्तान की हितवाजत करने में और हिन्दुस्तान में एक नया समाज बनाने में वे सब के साथ चलेंगे तथा ये जो प्रोपोजेड करते हैं ये खत्म हो जायेंगे।

इसके बाद दूसरी बात मैं हरिजन और अ.दि.वि.सियों के बारे में कहना चाहता हूं। आप जानते हैं, आपके क्षेत्र में, भोजपुर जिले में और बिहार में बहुत बड़े पैमाने पर नक्सलवादियों का हावा दिखला कर या उसका नाम लेकर हरिजन और अ.दि.वि.सियों को सताया जाता है। नक्सलवादें अगर धर्ती हैं तो हमें राजनैतिक तौर पर उनका मुकाबिला करना चाहिए लेकिन उन्हें दवाने के नाम पर गरीब हरिजनों को दबाया जाता है और उन्हें जेलों में डाला जाता है, गोलियों से मारा जाता है और जो सचमुच में नक्सलवादी विचार के ऊंची जाति के लोग आते हैं वे षडयंत्र करके ये सारे काम करवाते हैं ताकि वे बच जायें। उन्हें बड़े पैमाने पर बंदूक के लाइसेंस और बन्दूकें दी जाती हैं। दूसरे तौर पर गरीबों को मारा जाता है। आदिवासी क्षेत्र बिहार में है, वहां क्या हो रहा है यह आप देखें। उनके साथ नाइन्सार्फी हो रही है। शिक्षा के क्षेत्र में वे बहुत पीछे हैं, आर्थिक क्षेत्र में बहुत पीछे हैं। जमीन पर जो नक्का

अधिकार है उससे भी उनको वंचित किया जा रहा है। . . . (व्यवधान) . . . मैं खत्म करने के पहले एक दो उदाहरण दे दूँ। अभी 15 अक्टूबर की बात है। हरीकिशोर सिंह जी भी सुन लें और अपने मुख्य मंत्री से जवाब माँगें। . . . (व्यवधान) . . .

हरिजनों तथा पिछड़े लोगों के साथ किस तरह से अत्याचार होता है वह मैं आपको बताना चाहता हूँ। 15 अक्टूबर की बात है, मुंगेर जिले के सिकन्दरा अंचल के पलसा बुजुर्ग गांव—हमारे भोला माझी उसी क्षेत्र के नजदीक से आते हैं—के खेत मजदूरों के नेता जिनका नाम बालोसाब था उनकी हत्या कर दी गई। जब वह जर्मई कचहरी जा रहे थे तभी उनकी हत्या कर दी गई। उनकी हत्या इसलिए कर दी गई कि वह न्यूनतम मजदूरी कानून के लिए चलने वाले आन्दोलन का नेतृत्व कर रहे थे। दूसरे नालंदा जिले की बात है जोकि बिहार में ही है। वहाँ पर हमारे एक नौजवान मजदूर संघ के नेता, रामचन्द्र दिवाकर की वहाँ के भूमिपतियों, सामन्तों ने हत्या करवा दी। उन लोगों के गुंडों ने उनकी हत्या कर दी। आज तक बिहार की सरकार ने किसी को नहीं पकड़ा है। मेरे कहने का मतलब यह है कि सरकार, पुलिस और सामन्तों की साठ-गांठ की वजह से इस तरह की हत्याएँ तमाम जगहों पर हो रही हैं। इसीलिए मैं ने कहा है कि हमारा जो संविधान है उसके 39वें अनुच्छेद का आठवाँ बिंदु हमारे इस संशोधन को स्वीकार करके माना जाये ताकि उनमें यह भावना पैदा हो कि हिन्दुस्तान की तमाम जनता के लिए एक समान तरीके से हिन्दुस्तान की सरकार काम करना चाहती है, विधान में हमारे लिए भी संरक्षण है। इस संशोधन का यही अर्थ है। यदि आपने कोई दूसरा अर्थ समझा है तो उसे भूल जायें। मैं समझता हूँ हरीकिशोर जी, आप भी इससे सहमत होंगे और किसी को भी इस सदन में इस बात से

विरोध नहीं होगा। इसलिए मेरा कहना है कि इसको उसमें जोड़ा जाये।

THE MINISTER OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI H. R. KOKHALE): Mr. Speaker, Sir, there are quite a few amendments on Clause 8 which we are discussing now. But before we deal with these amendments, it is better that we have a look at the proposed clause which is now Article 39A. It says:

"The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."

In my view, on the subject of providing a legal system which promotes justice on the basis of equality and for that purpose providing free legal aid by suitable legislation or any other way, all that was necessary has been taken care of in the new Directive Principle. Now some of the amendments which have been proposed are really not relevant to this particular issue. We have gone into a very wide and major field to cover all political, economic and social aspects. This is not the purpose of providing this particular clause relating to free legal aid and to promote a system of justice which secures social justice.

12.00 hrs.

Apart from what Prof. Saksena has said, in his amendment, he has said that the word "free" should be omitted and that the words "adequate and effective" should be replaced by it. I do not know how any provision of a legal aid scheme, if it is not free, can be made for giving effective assistance. If it is not free assistance,

[Shri H. R. Gokhale]

it will really take away the whole thrust of this article. It must be free; it must be something which is expeditious. It should be adequate and it should be effective. Nobody can say that it is not true. But all these are not required to be said. When you say we want to have a system of justice which will give social justice, all these things are really taken in. The word "free", according to me, is quite necessary and it cannot be omitted.

Then, my hon. friend, Mr. Nimbalkar, has given a very long amendment asking for the substitution of this clause. I do not want to read the whole of it. Quite a large part of it deals with economic and social matters. I am not in disagreement with that. But this reads like a manifesto. You go to the people saying, "This is what we are going to do." While it is true that all these things should be attended to very carefully and effective steps should be taken, though not exactly in the same way in which Mr. Nimbalkar wants them to be done, I do not think that in a Directive Principle providing for free legal aid, these things have an appropriate place. The same argument can apply, more or less, to other amendments.

There is an amendment given by my hon. friend Shri Indrajit Gupta and other Members of his party about which we have just heard quite a few speeches. There, again, we on this side have never disputed that there should be protection to minorities, including Muslims. But that is not the main point. The point is that we have taken up a position throughout that it is the duty of the Government not only to give protection to minorities but to do everything else necessary in order to see that socially and economically these minorities come up. That policy stands unchanged and

will stand unchanged. What is stated here is that you must take all necessary steps for full protection of the rights of Muslims and other minority communities. So far as protection is concerned, we have already got articles in the Constitution, particularly articles 25 to 30 which are special articles for giving protection to minorities. What more protection is intended is not clearly indicated in the proposed amendment.

Then, there is a reference to Scheduled Castes and Scheduled Tribes. Everyone knows that Scheduled Castes and Scheduled Tribes have been treated on a different footing and special protection has been given in the Constitution. What more protection is intended is not clearly indicated in the proposed amendment. Of course, we have heard some things being said just now. But the proposed amendment does not indicate what is the additional protection which is required under the Constitution.

There is also a reference to protection to weaker sections of society in all spheres of national life, particularly, in matters of education and employment. These are the two things specifically stated here. Education is in itself one of the provisions in the Constitution in respect of protection given to minorities. Employment is a general problem. Unemployment is equally bad both to minorities and others.

श्री किशोरी मिश्र : एजुकेशन में कुछ खास-खास के लिये रिजर्वेशन है, सब के लिये नहीं है। जो हाई-कास्ट के लड़के हैं उनको तो एजुकेशन मिल जाती है, लेकिन जो गरीब का लड़का है, चाहे वो किसान का हो या पिछड़ी जाति का हो, वह भीख मांगता है, उसके लिये कम्पलसरी एजुकेशन नहीं है, उसको फीस तक नहीं मिलती है।

SHRI H. R. GOKHALE: We are on the question of special protection to minorities. My hon. friend, Mr. Bibhuti Mishra, would like to have free education for everybody. Perhaps we can do it as soon as possible; I don't disagree with you. The point is whether these things should go into the Directive Principles now. I am in general agreement with the sentiments underlying this proposed amendment by the Communist Party and most of the other amendments excepting one or two which I have mentioned. For example, they want me to remove the word 'free' etc.; I am not in agreement with that at all. Our position is well known and the action taken by the Government speaks for itself. The legislation says that effective steps are to be taken in that direction. There are already provisions in the Constitution which give protection to the minorities—which of course include the Muslim minorities also. Under the circumstances, while we agree that these things should be emphasized, you have emphasized them and I have also emphasized them not only here but everywhere else and, therefore, I am not in a position to accept any of the amendments so far as this Clause is concerned.

MR. SPEAKER: Now it is one hour and five minutes today and twenty minutes yesterday, and we have only one Clause. We have to dispose of 25 Clauses today; otherwise we cannot finish. Yesterday, a suggestion was made by Shri Indrajit Gupta that no speech should be for more than five minutes, and I think I will stick to that. I did not want to cut short any hon. Member, but they are aware that they much exceeded their time. From now on, I am not going to allow all those who have moved amendments to speak; I will allow only a few. Or we will have to sit till 12 midnight or till whatever time it is necessary to sit, but we must dispose of 25 Clauses even if we have to sit round the clock. (Interruptions).

SHRI S. M. BANERJEE: It is not a question of sitting till 12 o'clock or one o'clock. The question is, after all this is an important thing and it is quite apparent from the point of view expressed by the hon. Minister or the Government that they are not going to accept any amendment. That is quite clear, but we must have the satisfaction of at least pleading our case. (Interruptions). The Prime Minister has spoken on behalf of all of you; so why should you speak at all?

As for sitting up till 12 o'clock, it is easy for you to sit till then because you have four people behind you to substitute you. But I have no substitute; I cannot bring my wife here to substitute me. So how can we sit till 12 o'clock? Let us sit for another day.

MR. SPEAKER: Therefore, we must impose a time limit. You know that the speeches are just repetitions of the same point. If there were some new points, I would have been prepared to give time, but the speeches are about the same thing. What is the advantage in that? It does not make the case any stronger. I am not going to cut out any points that may be made, but please avoid repetition, so that we can finish. (Interruptions).

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): I have a submission to make. I don't think—this is my view and not the view of the House—that in a matter like that of the Constitution, a Bill with 59 Clauses should be dealt with in such a manner that we are to speak only for five minutes each in order to finish it. I would like to make it clear that this is a serious matter. Members of Parliament who are interested in this matter seriously should be given ample time and enough scope to express their mind. If the session has to be extended, let it be extended. This is a question vitally affecting the people; it is not a routine matter.

MR. SPEAKER: Let us go to the new Clause.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode): In that case there will be discrimination. What happened on the 26th was that, in the morning, the Deputy-Speaker said that there would be no time limit; Members would get even 50 minutes or one hour. So, it should not be curtailed like this.

MR. SPEAKER: We do not want to discriminate,

SHRI EBRAHIM SULAIMAN SAIT: Some Members have been allowed to speak for 15 or 20 minutes. Now the time cannot be curtailed. If necessary, the House can sit one or two days more.

SHRI INDRAJIT GUPTA (Alipore): I think, the suggestion for the time limit is only on the assumption that the Government is determined that this business must be concluded on Monday. I myself make a frivolous suggestion of President being requested to issue an amended summons to the Rajya Sabha. But the point is this. If the time can be extended beyond one day, then there is no question of time limit like this. Is it essential that, when the Rajya Sabha assembles, the first work that they should take up must be this? They can discuss something else for one or two days. There is no harm in that.

श्री विभूति मिश्र : अध्यक्ष महोदय, अभी सारे अमेंडमेंट्स बाकी हैं। क्या गवर्नमेंट इस बात को चाहती है कि ऐसे ही यह बिल पास हो जाये? अगर ऐसा है तो प्राइम मिनिस्टर बोल चुकी हैं, ला मिनिस्टर ने जवाब दे दिया है, इसको ऐसे ही पास कर लिया जाय, फिर हम लोगों की क्या जरूरत है, हम लोग घर जाये।

MR. SPEAKER: The House must come to some understanding. The

present time table is that this Bill must be passed on Monday. The way in which we are proceeding, at this crawling speed, at least ten days will be required. I was not suggesting that anybody should not be allowed to speak on any important measure, on a Constitutional measure like this. The suggestion came yesterday that there should be a time limit of five minutes. But there have been breaches in that. Now, there are 20 or 30 Members who have submitted amendments on a particular Clause. The subject-matter of some of the amendments is almost the same. If all the 20 or 24 Members, who have moved amendments, insist on their right to speak, we cannot do any business. Therefore, I think we must agree on this. Let not all the 24 Members speak. Those who have put in a particular point of view may speak in order to strengthen it. But the same argument need not be repeated by two or three Members.

Now, let us proceed. It is for the House to decide. I am not going to impose my will or anybody's will on the House. The House will have to impose its own will on it. If necessary, we can sit late. It is for the House to decide. On that assumption, let us proceed.

श्री शंकर दयाल सिंह : अगर हाऊस बारह बजे तक बैठता है तो डिवीजन भी 12 बजे होना चाहिए। साढ़े पांच बजे डिवीजन कर दिया तो रात में कोई नहीं रहेगा।

अध्यक्ष महोदय, दूसरी बात मैं यह कह रहा था कि पंडित जवाहर लाल नेहरू ने फर्स्ट कॉस्टीट्यूशनल अमेंडमेंट प्रोविजनल पार्लियामेंट के सामने 16 मई, 1951 को रखा था। उस वक्त अकेले एक क्लॉज के लिए सात-आठ दिन तक सदन बैठा था। यह जो पांच मिनट का समय रखा है, यह ठीक है

लकिन कोई भी ससे बंचित नहीं होना चाहिए।

मेरा आग्रह है कि आपकी ओर से थोड़ी उदारता बरती जानी चाहिए। डिबीजन तब होना चाहिए जब सारी डिस्कशन हो जाय। फिर चाहे रात के बारह बजे तक ही क्यों न बैठना पड़े।

श्री मूल चन्द बागा (पाली) : मैं यह विश्वास लेकर चलता हूँ कि आप पूरा समय इस महत्वपूर्ण विषय के लिए सब को देंगे। सविधान का यह सवाल है। यह सवाल कोई आसान सवाल नहीं है।

SHRI INDRAJIT GUPTA: Sir, I would appeal, through you, to the Minister of Parliamentary Affairs not to fix an arbitrary time-limit for the conclusion of this debate. What would he have done if those parties who have unfortunately dissociated themselves from these proceedings had also been present? Would you have been able to finish it by Monday? Taking advantage of all circumstances, do not try to rush the thing through; we can sit for a day or two more and in the meantime, Rajya Sabha can discuss something else. What is the harm in it? This is a special session, but what is special about it? On the first day, you rammed this thing down our throat. This is a special session, let us see, whether you really treat it so.

MR. SPEAKER: Let us proceed; Minister is here, he will consider it.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Sir, I want to say one thing. I was the second speaker on this Bill, but the Chair did not permit me more than 13 minutes when I spoke on the original motion. Some of us finished within 10 minutes, while others spoke for 15 minutes on certain clauses. I want to know, why this point was not raised at that time . . . (Interruptions).

SHRI P. G. MAVALANKAR (Ahmedabad): There has been discrimination from the beginning in terms of time limit. This is not a free debate at all.

SHRI S. M. BANERJEE: The Minister of Parliamentary Affairs is here. A suggestion came to us that the voting should take place between 1730 and 1800 hrs. in order to have some sort of convenience and we readily agreed. After 1730 nobody would remain with the exception of those who are either speakers or who are sincerely interested in staying here. If you really want to go upto 1200 o'clock, let the discussion go on and the voting should take place at 1200 o'clock night. We are here. Let us not think of those who come for voting and go away. If it is only a question of meeting of Rajya Sabha, Rajya Sabha can discuss something else and we can continue for a day or two more. We have tabled these amendments after a lot of thinking. Whether they are agreed to or not is not our concern. We are answerable to the people and we must show them that we have argued their point, but whether accepted or not, is not our concern. Let us have the consolation of pleading our case. All the clauses that are coming are with serious consequences. Let us know, what it is. The time-limit, a sort of Lakshman Rekha should not be put.

श्री जांबुवंत घोटे (नागपुर) : संविधान के संशोधन का . . .

अध्यक्ष महोदय : सुझाव ही दें।

श्री जांबुवंत घोटे : वही दे रहा हूँ। सुनिये ना।

संविधान में संशोधन करने के लिए एक खास अधिवेशन हम ने बुलाया है। इस वक्त जो क्लॉज बाई क्लॉज रीडिंग चल रहा है उसमें इतनी जल्दबाजी करना कांस्टीट्यूशन के साथ रेप करना है।

एक माननीय सदस्य : कैसे !

श्री जंबुवंत धोटे : जैसे आप लोग नर रहे हैं, मैं देख रहा हूँ

श्री शंकर दयाल सिंह : रेप शब्द को हटा दिया जाना चाहिए। उनको जो भी करना है बाहर करें।

श्री जंबुवंत धोटे : इनको जो करना है अन्दर ही करें।

अध्यक्ष महोदय : घोट साहब, आपको जो सुझाव देना हो वह दे दीजिये।

श्री जंबुवंत धोटे : अध्यक्ष महोदय, संविधान संशोधन पर हम विचार कर रहे हैं और मेरा ख्याल है कि काफी गम्भीरता के साथ विचार कर रहे हैं। इस पर शुरू से ही जो भाषण हो रहे हैं उसमें शुरू से ही चयर का खूब पाशियल रहा है, इम्पाशियल नहीं रहा है। कई लोगों को तो एक, एक और डेढ़, डेढ़ घंटा बोलने का मौका दिया गया।

MR. SPEAKER: I cannot accept it. The hon. Member is unfair.

SHRI JAMBUWANT DHOTE: It is all on record.

MR. SPEAKER: I think the hon. Member has passed a very unfortunate remark. I think he has done it in a huff. He should withdraw it.

SHRI JAMBUWANT DHOTE: It is partial. It was partial and it is partial. I will not withdraw my remark.

SHRI S. M. BANERJEE: Please do not cast reflection on the Chair. There should be no reflection on the Chair.

SHRI JAMBUWANT DHOTE: I do not want any advice.

MR. SPEAKER: I am requesting the hon. Member to kindly withdraw the word. If he is not withdrawing,

he may please withdraw from the House.

SOME HON. MEMBERS: Yes.

SHRI JAMBUWANT DHOTE: I am not withdrawing. It was partial and it is partial.

SHRI R. V. SWAMINATHAN: You please withdraw. You should not cast reflection on the Chair.

SHRI JAMBUWANT DHOTE: All right, Sir.

SHRI R. V. SWAMINATHAN: He has withdrawn, Sir.

SHRI S. N. MISRA (Kannauj): May I make a submission, Sir?

MR. SPEAKER: No, please, Has he withdrawn the word?

SHRI JAMBUWANT DHOTE: Yes, Sir, I withdraw.

Clause 8A (New)

SHRI DHARNIDHAR DAS: I beg to move;

Page 3,—

after line 28, insert—

'8A. After article 40 of the Constitution, the following article shall be inserted, namely:—

"40A. The State shall take steps to organise village co-operatives co-extensive with village Panchayats and endow them with such powers and authority as may enable them to function as units of the planned economy." (342)

SHRI H. R. GOKHALE: Whatever I had to say about this new clause, I have already said.

Clause 9—(Insertion of new article 43A. Participation of workers in management of industries).

SHRI HARI KISHORE SINGH: I beg to move;

Page 3,—

for lines 31 to 34, substitute—

"43A. The State shall take immediate steps by suitable legislation to secure the participation of workers in the management of all undertakings, establishments or other organisations engaged in industrial or commercial or trade activities." (194).

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

Page 3, line 31,—

after "take" insert "positive" (234).

Page 3, line 34,—

add at the end—

"at all levels" (235).

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

Page 3, line 34,—

add at the end—

"and thereby bring about increase in production, productivity and employment potential with due regard to the ultimate and paramount interest of the consumer and thus the society at large" (278).

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

Page 3, line 32,—

after "management" insert—

"and also share-holding over a period" (319).

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

Page 3, lines 32 to 34,—

for "the management of undertakings, establishments or other organisations engaged in any industry" substitute "all kinds of management at all levels" (320)

SHRI DHARNIDHAR DAS: I beg to move:

Page 3,—

after line 34, insert—

"43B. The State shall take steps by suitable legislation or in any other way to secure participation of progressive mass organisations for the democratic functioning of administration making it responsive to the people, and for implementation of the economic plans and programmes." (343)

SHRI KARTIK ORAON: I beg to move:

Page 3, line 34,—

add at the end—

"commerce or trade" (378)

SHRI PRIYA RANJAN DAS MUNSI: I beg to move:

Page 3,—

after line 34, insert—

"Provided that in all private sector industrial units as specified by suitable legislation, every year a particular percentage of ownership from the profit and share dividends shall be distributed amongst the workers to ultimately enable them to become collectively the owner of the unit." (407)

SHRI INDRAJIT GUPTA: I beg to move:

Page 3,—

after line 34, insert—

"43B. The State shall take suitable steps through legislation and otherwise to ensure the right of collective bargaining to

[Shri Indrajit Gupta]

workers and employees." (455)

Page 3,—

after line 34, insert—

"43B. The State shall undertake all necessary measures to reorganise and democratise the administrative machinery at all levels so that it becomes an effective instrument for achieving the objective of socio-economic revolution." (456)

Page 3,—

after line 34, insert—

"43B. The State shall take effective steps to prevent the intrusion of money power in elections and other democratic processes or interference otherwise in such processes by money power." (457)

SHRI EBRAHIM SULAIMAN SAIT:
I beg to move:

Page 3,—

after line 34, insert—

"The State shall provide for economic uplift and avenues of employment in public and private sectors for the weaker sections of the people including the minorities." (490)

SHRI SHANKAR DAYAL SINGH:
I beg to move:

Page 3, line 34,—

add at the end—

"and guarantee minimum wages and employment to agricultural labour" (507)

श्री हरि किशोर सिंह : अध्यक्ष महोदय, यह बहुत ही अहम समस्या है। वह इसलिये कि जो हमारी समाजवाद की नीति है उस के

अनुपालन की दृष्टि से श्रमिकों का प्रबन्ध में शामिल होना, प्रबन्ध मण्डल में शामिल होना अत्यधिक आवश्यक माना गया है। इसलिये अत्यधिक आवश्यक माना गया है क्यों कि यह देखा गया है और इस सिद्धान्त को स्वीकार किया गया है कि जो उत्पादन की प्रक्रिया है उस में पूँजीपति या जो कारखानेदार है या जो उद्योगों के प्रबन्धक है उन का उतना ही योगदान है जितना कि श्रमिकों का है, बल्कि मालिकों से ज्यादा ही उत्पादन की प्रक्रिया में श्रमिकों का योगदान है। इसलिये इस सिद्धान्त को स्वीकार किया गया है। सरकार इस कार्य के लिये बधाई की पात्र है। सरकार ने न केवल इस सिद्धान्त को स्वीकार किया बल्कि उस को मूर्तरूप देने के लिये संविधान में इस का प्रावधान किया है।

बहुत से उद्योग धन्धों में न केवल निजी क्षेत्र में बल्कि सार्वजनिक क्षेत्र में भी अभी तक श्रमिकों को प्रबन्ध-मण्डल में शरीक नहीं किया गया है। इसलिये मेरा यह संशोधन है कि इस में अविलम्ब, इमीडिएट शब्द जोड़ा जाये। अगर "अविलम्ब" शब्द इसमें नहीं होता है, तो सरकार का जो गन्तव्य है, जो उद्देश्य है, जो नीति रही है, उसके अनुपालन में विलम्ब होता रहेगा। अब तक जो ऐसा होता रहा है, उसी दृष्टि से सरकार की नियत में सन्देह मजदूर वर्ग में और देश में पैदा हो गया है। इसी कारण समाजवाद की दिशा में जिस रफ्तार से हम प्रगति करना चाहते हैं, उस रफ्तार से नहीं कर पाते हैं। इसलिये मेरा सुझाव है कि इसमें "अविलम्ब" शब्द जोड़ दिया जाये। इससे इस संशोधन विधेयक के पारित होने के तुरन्त पश्चात् सभी निजी व सार्वजनिक क्षेत्रों में अविलम्ब श्रमिकों को प्रबन्ध-मण्डल में लिया जा सकेगा।

श्री मूल चन्द डागा : अध्यक्ष महोदय, हिन्दुस्तान में हम यह चाहते हैं कि शोषण-विहीन समाज हो और श्रम की प्रतिष्ठा हो।

इसीलिये हमने 20-सूत्री कार्यक्रम में एक बात रखी कि जितने कारखाने हैं, उनमें मजदूर लोग हर लेबल पर अपना हिस्सा अदा करेंगे। लेकिन आज देश में 20-सूत्री कार्यक्रम लागू हो जाने के बाद भी देश में जो कारखाने-दार हैं, मिलों के मालिक लोग हैं वे मजदूरों को अपने प्रबन्ध व्यवस्था में हिस्सा नहीं देते हैं। हमारी सरकार एक तरफ बड़ी अच्छी अच्छी बातें कहती हैं, लेकिन उनका अनुपालन नहीं हो पाता है। मजदूरों की हालत क्या हो रही है, यह सब को पता है। आपके अमेंडमेंट का ला-मिनिस्टर और लेबर मिनिस्टर ने स्वागत किया है और उन्होंने कहा है कि हम 44 वें संशोधन विधेयक का स्वागत करते हुए कहना चाहते हैं—

"The scheme has helped to step up production and productivity. The Labour Ministers pointed out that the workers must, therefore, share in the increased production and productivity. They should accordingly be entitled to bonus which should not necessarily be linked with profit."

हिन्दुस्तान में बोनस एक्ट बनने के बाद में अपने राजस्थान की एक छोटी मिल महाराजा उमेद मिल की बात कहना चाहता हूँ जिनके पास 3 करोड़ की कैपिटल है। उनका उत्पादन बढ़ रहा है और उन्होंने 32 लाख का इन्वेस्टमेंट नई मशीनों को लगाने में किया है। लेकिन बोनस के मामले में कानून के अनुसार जो पहले वह 16 और 15 परसेंट बोनस देते थे, अब वह मजदूरों को केवल 5.4 परसेंट बोनस दे रहे हैं। बोनस देने के लिये जो आपने कहा है कि प्रोडक्शन और प्रोडक्टिविटी जो सोचा जायेगा तो ये लोग मजदूरों को उनका पूरा हिस्सा नहीं देते हैं। मजदूर लोग नाम-मात्र का पार्टीसिपेशन करते हैं।

सरकार को ऐसे कदम उठाने चाहिए, जिस से हमारे देश में एक शोषणविहीन समाज कायम हो। 20-सूत्री कार्यक्रम में कहा गया है कि प्रबन्ध व्यवस्था में मजदूरों का हिस्सा हो, लेकिन आज भी मजदूर मालिक इस को कार्यान्वित नहीं कर रहे हैं। इसी लिए मैंने यह संशोधन पेश किया है कि प्रबन्ध व्यवस्था, प्रोडक्शन, सर्विस और हिसाब रखने आदि में, एट आल लैक्व, उन को हिस्सा देने के लिए पाज़िटिव स्टेप्स लिये जायें।

SHRI INDRAJIT GUPTA: On behalf of our group we have already moved amendments Nos. 455, 456 and 457. These are by way of additions to the Directive Principles, Chapter IV, of our Constitution. Now, Sir, this time the Government has thought it fit to include by way of amendment the inclusion of the participation of workers in management of these industries as one of the directive principles. Well, we welcome that. I had earlier on also stated that if you are really interested in the proper system of industrial relations there must be a directive principle to the effect that there must be collective bargaining in the settlement of disputes. This should be provided in the Bill by some appropriate legislation or by any other means in future. This is a very important thing. Merely restricting the directive principle to the question of 'participation in management' is not enough. Along with that is linked the question of settlement of disputes between management and labour. Unfortunately this matter in respect of collective bargaining which is the accepted principle in all modern industrial societies, and by such societies which are aspiring to become industrial societies, has not been provided upto this day in any of our legislations or statutes in this country and the industrial relations law as it stands today only provides for the conciliation and arbitration machinery by the government which

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basically the trade unions have never agreed to.

We want to have the right to have collective bargaining directly with employers—whether it is the public sector or the private sector. Unless that is done, you will only be putting the cart before the horse. You are only providing for one part namely that workers' representatives should be associated with management of industry, but you are not providing the other part, namely, expeditious settlement of disputes by collective bargaining. Since there is no law upto this day in this country this is being left to the whims and fancies of the employers from place to place, from time to time. If a person chooses to talk direct to the unions he can do so. If he does not choose to do that there is nothing by way of compelling him to do so. There were discussions going on at a high level, Ministerial level and all that, about changes in the entire industrial relations law, to bring in this aspect of collective bargaining so that employers could sit and talk across the table with their recognised trade unions. But unfortunately the whole matter was dropped. The INTUC the AITUC and HMS worked out some agreed proposals but the Ministry has not pursued legislative proposals on the lines suggested.

That legislation or some suitable legislation should be undertaken again in future. And this is my amendment which seeks to give that directive for that only. You are very anxious that there should be peace in industry. Surely. You are anxious that there should not be unnecessary stoppages of work arising out of disputes over the demands and all that.

Now, during the emergency, what is happening is that if any worker raises his demands in some factory, particularly, in the private sector and the employer does not want to meet them, he declares a lock-out. Unfortunately,

during the emergency a new legislation has been adopted making closures and retrenchment and lay-offs illegal without the prior approval of the Government. But, lock-out has been omitted. The Labour Minister recently has been saying publicly that more and more employers are resorting to lock-outs fictitiously and these are imposed for the purpose of suppressing the demands of the workers. There is no civilised way of dealing with these problems except by collective bargaining.

Therefore, I would request and urge that this should be included in the Directive Principles Chapter that 'the State shall take suitable steps through legislation' and otherwise to ensure the right of collective bargaining of workers and employees. Not to do this is to invite a lot of unnecessary labour troubles, lock-outs, strikes. And all these things will go on because there is no expeditious machinery for settling these things. Neither the unions nor the employers want that Government should go on intervening. So, what is required is across-the-table negotiation. That pre-supposes the recognition of trade unions as the bargaining agents on behalf of the employees.

Cannot suitable legislation be devised? You can do it. You should put this as a very important Directive Principle if the country wants to go ahead. Secondly, there is my amendment No. 456 which says:

"The State shall undertake all necessary measures to reorganise and democratise the administrative machinery at all levels so that it becomes an effective instrument for achieving the objective of socio-economic revolution.

Now, we have declared the aim here in our Preamble to-day. Does Mr. Gokhale or anybody in the Government seriously believe that simply by declaring the very desirable and

worthy aim of socialism, of bringing about socio-economic reform of a radical character, this can be done with the present administrative set-up which has not changed much from pre-Independence days? It has the same old pattern even now. The same Secretaries in all the ministries and there are the same bureaucrats, district magistrates and the whole hierarchy right down to the thanedar, darogas at the village levels, B.D.Os and so on. Can this machinery carry out the programme of socio-economic reforms? Has it got that kind of training? Has it got that kind of ideological attitude? Has it got that kind of enthusiasm or experience or commitment of any kind? It has not even the experience. Our experience in the last one year proves that this Twenty-Point Programme of our Prime Minister cannot be implemented effectively down below, one of the major reasons being that you are relying almost entirely on the administration which either does not believe in these things or has not the capability of carrying out this programme because they regard that the people are not partners in the common endeavour but they regard them as some kind of objects to be administered. Therefore, I think, it is high time that—of course we are not spelling that out in this amendment but we are indicating that, so many years after Independence, a stage has come—some thinking ought to be done by all of us whether the pattern of administration can be renovated, democratised and popular elements can be associated with it in some way at different levels. That is why we were bothered so much about setting up of the implementation committee. Have you done that? You thought that the administration can carry that out. Why did you think about the setting up of the implementation committees with all these parties? You thought that they were interested in implementing the Twenty-Point Programme. Even then, the experience of most of these implementation committees has been that the main road block is the adminis-

tration. Even if they take a decision in the implementation committee, they cannot get it done. That is because of the attitude of the bureaucrats.

Therefore, we think it is absolutely necessary at this very historic point of time when we are bringing about a vital change in the Constitution that we should incorporate this as a Directive Principle for the future. Then, we will consider the details and discuss them. But, there must be this indication that the administration has to be democratised and has to be reorganised so that it is a proper instrument for carrying out those tasks which we are all supporting here.

Thirdly 457. This is very important.

"The State shall take effective steps to prevent the intrusion of money power in elections and other democratic processes or interference otherwise in such processes by money power".

Shri Gokhale knows that this discussion went on for a long time, particularly with reference to election laws. Everybody knows—I do not have to spell it out—that there is undesirable exercise and interference by money power nowadays. Not only in this country, but in so many countries of the world, we are seeing what is going on; we are seeing how one single multi-national company with vast financial resources at its disposal is able to interfere directly in the political life of other countries, let alone its own country, is able to bribe politicians and Ministers on an extensive scale. Those scandals have burst out in country after country. We all know the famous Lockheed case. Japan in crisis, the Netherlands was in crisis, West Germany in crisis. In many other countries, top Ministers and politicians are shaking in their shoes lest some exposure might come about of how this company or that company had given huge sums of money to prop up people so that they can get profitable contracts and so on.

[Shri Indrajit Gupta]

Now, I do not know about the activities of multi-national companies in our country. They have not come to light yet. I would be very surprised if something is not happening here also. Certainly we all know that big business and big money and black money is playing a big role in vitiating the atmosphere in our country also. All of us want that that should not be done.

You have recently again amended the statute permitting companies to make legal donations to political parties on the plea that previously it was being done under the table so it is better that it is done across the table. That law has again been passed which at one time we had amended the other way.

SHRI H R GOKHALE It is not passed yet.

SHRI INDRAJIT GUPTA You are going to pass it. You have made the proposal.

If it is not passed, well and good. Let us give the matter a second thought. Because here not only in elections, but in the normal day to day processes of carrying on government and administration it is absolutely essential, if we are serious about preserving the democratic system, if we do not want it to be subverted by underhand means, that we devise collectively some means, some methods and some legislation by which this sometimes invisible influence of big money power in our whole political life can be, if not completely done away with, at least curbed and controlled. I do not think anybody can disagree with this.

Therefore, the three amendments which we have moved—I do not want to take more time—are related to basic questions which are vitally connected with the aims and objects which we are now seeking to put before the country in a much more emphatic and categorical

manner. One is the collective bargaining right so that in the field of industrial relations, disputes can be dealt with. Let us think about legislation for that. The second is the question of democratisation of administration. Many ideas can be given. Some experience of other countries can also be taken to see how it can be adopted in our country, so that the gap between the people and the administration is narrowed down and people have a sense of participation at some levels at least in the administering process of the country. Thirdly this question of money power in elections and the political life of our country.

Let us put these three in the Directive Principles and then in our own good time we will see what legislative and other action can be taken. I commend my amendments.

SHRI B V NAIK The redrafted article 43A would read as follows, if my amendment is accepted. (1) To take steps by suitable legislation or in any other way to secure the participation of workers in the management of the undertakings, establishments or other organisations, engaged in any industry and thereby bring about increase in production, productivity and employment potential with due regard to the ultimate and paramount interest of the consumer and thus the society at large. (Interruptions) During the year 1973 there was increase in industrial production but the increase in employment opportunities was proportionately much less. I quote the figures from India 1976 which says, with a production capital of Rs 11 105 crores the factories provided employment to 42.7 lakhs of people distributing an annual wage bill of Rs 1516 crores, this represents an increase of 11.8 per cent in the production capital and 2.6 per cent in employment and 13.09 per cent in wage bill. We have been seeing from our Independence that industries had been expanding and our gross national product has virtually trebled compared to 1951 but employment has not gone up to that ex-

ment. This particular article applies to the organised industrial sector. Thus we see that there is improvisation in the existing industry as such, as an industry progresses employment sector in that particular industry gets on shrinking. There are two or three things and any planner will have to take note of that. We are in the process of formulating directive principles and further planning and further subsidiary legislation will follow those principles, I think it is proper that we take care now. While we have every reason to accept the principle of collective bargaining, we have seen that in the year before the emergency the collective bargaining power of labour somewhat worked against the total national good. Therefore, the years of disturbance have always been years of low production. Therefore, in the process of management of labour and the participation of labour in the industries, I think both production and productivity, meaning per capita production, total productivity in conformity with employment potential should also be there. While I say employment potential, it is possible to increase production in any given establishment by the process of automation, greater amount of sophistication, labour substitution or computerisation. But in our country hardly four million people are employed in organised industry or factories.

This virtually represents 10 per cent of the total working population. This 10 per cent of the total working population represents virtually 33 per cent of the Indian population. Thus, we will find that until and unless the entire policy of the industry is able to increase the labour potential, it will be self-defeating. I am aware of the Hon'ble Minister's limitations in being able to accept all the 600 amendments that have come. It shows the amount of interest which we have shown. But at least in those distinct areas, particularly, the labour participation in management, I do not think this is such an innocuous clause as we think it to be. After all, what is labour partici-

pation in management? It is giving the franchise to the labourers engaged in industry or in enterprise. But it follows a different labour philosophy altogether. We have not only to create employment to the working people but also to give them the franchise. This enfranchisement to the working population, if we have to give it,—then confining it only to this small sector which we call it as an industry—which will bring benefit to about 40 lakhs of people employed—would not go a long way. Sir, there is another thing. Labour participation in management on what basis? Will it be a majority participation? Who will be taking the decision? Is it possible for us at least to go on the direction of dissociating capital from management? I am not saying that it is time to dissociate capital from the profits or the surplus of a particular industry, but at least profits can go to those who have invested. But to what extent is labour participation or the enfranchisement of the labour in the management? I think, Sir, this labour participation in management theory has been given a very long trial in this country resulting in a better productivity, in better removing of their grievances. But in the major decisions for recruitment, major decisions for purchases, major decisions on sales, major decisions for expansion, major decisions in regard to innovation, there has not been an opportunity for the persons engaged in industrial labour to participate. I completely agree with Mr Indrajit Gupta with regard to the clause regarding the Services Personnel which is taken. If in the preamble of our Constitution we are to make a dent on the principle that people who are to implement it, namely, the Government servants, right from your Cabinet Secretary at the national level upto the village accountant, are we accepting the definition of industries also to mean the services—the Government? What we practice is always much better than what we preach to the industry. I do not know the limitations, but the limitations as I read in this clause, are very clear, that

[Shri B. V. Naik]

is, to secure participation in the management of undertakings, is a Government Undertaking according to the Hon'ble Minister—an undertaking established or organisation engaged in any industry—because there has been a very dubious definition of industry. A tractorised farm is considered an industry, a dairy farm is considered an industry. I think the stock answer of the Hon'ble Minister would be that this is a Constitutional provision, the subsidiary legislation will follow. The subsidiary legislation will definitely follow and I hope it does follow. But on the substance of the discussions that have taken place, either after about 25 years or 30 years, the people will debate and they will perhaps refer to us as founding fathers.

It is very easy, following the principle of Myrdal, to have very lofty legislation. But in its implementation, we will find the difficulty. I would urge that keeping labour management intact, the effort should be not towards the shrinkage of employment, but towards increase of production and effective management. It should amount to an industrial franchise to the workers, just as franchise for the common voters has been won over the centuries in the rest of the world, it should be an industrial franchise leading step by step towards effective management, meaning thereby, establishment, recruitment, purchases, sales, day-to-day management as well as ultimate managerial decisions.

With these words, I request the Minister to accept my amendment.

SHRI O. V. ALAGESAN: This policy of associating labour in the management of industries has been followed for quite some time now. What we now seek to do is to elevate it to the status of a directive principle and that is good. Already we have in hundreds of concerns shop floor committees, plant level committees etc. and they have been functioning somewhat satisfactorily. Some information has been given

on the floor of the House also. Some workers' representatives find themselves on the boards of these industries. But I shall not be satisfied with participation of labour in management alone. They should be enabled to participate in shareholding as well and become owners. That is the effect of my amendment.

The right to property has been embedded in the Constitution. Passionate pleas and hair-raising speeches were made here for the abolition of this right. They were so convincing that when I heard those speeches I thought it should be abolished immediately. But when I heard the Prime Minister, she gave cogent reasons why such an approach cannot be taken at the present moment. She clinched the issue saying she does not want to add to the controversies already raging in the country. Already there is a growing controversy in the matter of family planning. This will give rise to a great deal of misunderstanding and people will be misled into thinking that we are harming their interests. So, we would not touch it. Even though we may not abolish property rights as a fundamental right just now, we have been committed to reducing economic disparities for decades now. It is not a new thing. Is this not one way of bringing it about, i.e. making the workers the owners of the industries? As long as property is allowed to be held, it should be the direction of government's policies to see that everyone is enabled to hold property. I was rather disappointed that the spokesman of the working class stopped at securing rights for collective bargaining and participation in management only and did not say that the workers should own the industry. Why should they fight shy of placing this demand before the House?

13.00 hrs.

[THE DEPUTY-SPEAKER in the Chair]

Now what do we see on the farm front? There, the trend is that we are moving towards a situation in which the tenants will ultimately own the

land that they now cultivate. If that is the situation, on the farm front, why not translate it to the industrial front and see that we follow the same policy and make the workers the ultimate owners of industry? I have no hesitation in saying that this should apply equally to the private and public sectors. One way is to inculcate the habit of responsibility in the working class, to make them more responsible and to make them work more. There is a plea for increasing production and productivity; and a doubt was expressed whether the present policy of allowing labour's participation in management has gone to increase production and productivity. A doubt was expressed. One way of making the working class more responsible and more responsive to the needs of increasing production and productivity is to make them have a stake in the industry in which they are working. I would very earnestly plead for this; and I am fortified by the fact that this is already in clause Articles 39(b) and 39(c). What does 39(b) say? It says:

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

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 "(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;"

And again Article 39(c) says:

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

My amendment is in line with Article 39(b) and (c). We have often heard in this House, complaints against monopoly practices, and against the havoc the monopoly houses are causing. One way of removing them will be not only the government taking them over, but handing over the monopoly houses to the workers who are responsible for production in the respective units. My

amendment will be in consonance with the above provisions of the Constitution; and I hope the heart of the Law Minister will melt and he will accept my amendment.

MR. DEPUTY-SPEAKER: I am told that the progress has been very very slow. We have still 51 clauses to go, and about 500 amendments to go through. I would request Members to cooperate in being brief in making their observations. Otherwise I don't think we will be able to complete this thing within the time-schedule.

SHRI S. M. BANERJEE: Sir, before you came, we had a lot of discussions on this subject by both sides of the House. The consensus, as I have understood it, was that there should be no such time-limit. If it should be there, let it be 5 minutes at least. We have requested that this discussion can continue beyond the 1st also. Let the Rajya Sabha discuss something else—not the Constitution Amendment Bill—in the beginning. I tell you honestly. Perhaps you have heard it, or perhaps you have not.

MR. DEPUTY-SPEAKER: That is true; but before I took over, the Speaker did whisper that this is....*(Interruptions)* I would only request the Members to cooperate; and I think you had said that no Member should take more than 5 minutes—subject to that. Anyway this is my general request. I understand.

SHRI S. M. BANERJEE: This limit of 5 minutes created trouble for 15 minutes in the House.

SHRI EBRAHIM SULAIMAN SAIT: Those who have spoken earlier may be given less time, but those who have not spoken so far should be given more time.

MR. DEPUTY-SPEAKER: We are constrained by time. Let us see. Shri Daga, absent. Shri Dharnidhar Das.

SHRI DHARINDHAR DAS: While speaking on my amendment, I hope that the Law Minister will not say "I am in agreement with the idea" and then reject my amendment. Coming to my amendment, everybody knows that before the emergency and after, on every matter we are saying that we are speaking on behalf of the people, thereby proclaiming the paramountcy of the people, but without giving the people a say in the administration or in the running of the economy. It has been persistently stressed by the Prime Minister that people must be involved in the 20-Point Programme. Everybody has by now realised that it is because of the people, because of the involvement of the masses that we have been able to isolate the fascist forces in the country, and not because of the bureaucracy. Therefore, I have suggested the addition of one article which reads:

"The State shall take steps by suitable legislation or in any other way to secure participation of progressive mass organisations for the democratic functioning of administration making it responsive to the people, and for implementation of the economic plans and programmes."

We all know how the fascist forces, the reactionary and subversive infiltrated into the administration itself because of which many of the officials had to be dismissed or suspended under the emergency measures to protect democracy and also to implement the 20-Point Programme. The Prime Minister herself stated at the AICC meeting on the 30th May: "the crisis is not yet over; rather, the worst is yet to come". Those subversive forces, fascist and reactionary forces which are working underground are waiting for the moment to come overground to overthrow the whole system. Therefore, my amendment says that the progressive mass organisations should be given participation in democratic

functioning of the Government and that we should not commit the mistake of leaving it to the bureaucracy. We must not forget the lesson of the emergency that it is the mobilisation of the masses, that has been able to isolate the reactionary forces. So, there should be participation of the progressive mass organisations in the running of the administration, and in implementing the economic plans and also in the implementation of the 20-Point Programme. Even now the correction of land records and implementation of land reforms have been possible to a great extent move for the participation of mass organisations than the initiative of the bureaucracy. In some official records of the revenue department of some State, settlement of land had been shown in the name of non-existent persons and even in the name of some animal. Representative bodies of mass organisations have detected and corrected many such incorrect or fictitious records. So, this amendment is very important for the safety of the nation and to fight to a finish all the reactionary forces. Otherwise, bureaucracy alone cannot save us.

SHRI KARTIK ORAON: It is a noble idea to come forward with an amendment where it is proposed to secure the participation of workers in management, because it will bring about proper co-ordination, loyalty and team spirit between the management and the workers, but what is more important than this is that the workers must have a sense of partnership in these industries and public undertakings. I have moved a very small amendment. It is no less important in trade and commerce, and so I want the words "commerce and trade" also to be included along with "industry" at the end.

SHRI PRIYA RANJAN DAS MUNSI: My amendment is very simple. It is, in fact, to supplement the amendment of the Law Minister as introduced in the Bill.

It has been held by the judiciary that the Directive Principles are subordinate to fundamental rights, and so we are now introducing a new provision to give the highest priority to them.

We have introduced in this Bill the right of workers to participate in management, but at the moment in our country the working class is divided into multifarious trade unions. It is true that it looks like a golden apple to have workers' participation in management, but what is the character of the management? There are 15 or 20 people in a Board with highly sophisticated chartered accountants and scientific advisers. If you send there a person from the floor or shop level as a representative of the workers, he can only understand and calculate the cost of the cashew nuts and coffee supplied at the meeting. He cannot go into matters in depth or change the decision of the management by his brilliance or wisdom, because, rightly or wrongly, they have only developed political consciousness. It is good that they have the satisfaction that they are participating in management, and the Government is determined, as the Prime Minister has rightly said, to bring about socio-economic changes in the country. But how? It is true that if you nationalise the whole of industry at the moment, it may not give effective results. So, I do not insist on that, but what I propose in my amendment is this, that the workers in all spheres of life, in private industry, should get some incentive in terms of share either as a production bonus or out of profit or as an *ex gratia* payment, though at the moment it is inflationary. If you are really determined as you say, then why don't you introduce this system as a directive principle in the Constitution? Apart from participation in the management, let there be a directive to the industries in the country that out of their profits, a small portion, even one or 0.5 per cent, be distributed among the work-

ers not in cash, but in the form of shares, making them partial owners of the factory.

If I am not mistaken, the Industries Minister, Shri Pai, has on several occasions inside and outside Parliament made it clear that apart from fighting for nationalisation of industries, we should create an atmosphere by which the workers get a share in the ownership of industries.

In the Mohan Meakins, I thank the working class movement that they did participate in the management and got this type of thing. But there are certain managements where they did not get it. Why should you not give a direction to these industries who are not co-operating with us, who are betraying the consequences of the emergency and the 20-Point Programme—they continue to betray more—so that we can tell the people that since they have got any bonus, they have gone under MISA and so on, now they have got the right to become the owners of the factories? We can also tell them that they should not waste their time and destroy the machinery, they should not disturb the management and kill people. In the private sector and the industrial units, a particular percentage of the profit and the dividend share should be distributed among the workers so that ultimately they become collectively the owners of the units. This is my only amendment and suggestion. I hope the Law Minister will kindly consider it.

SHRI S. M. BANERJEE: Mr. Deputy-Speaker, Sir, I shall try to confine myself to my amendments Nos. 455—457. At the very outset, I welcome the participation of the workers in the management and the clause in the new Bill. It is a welcome feature and all of us welcome it. But the participation of the workers in the management without ensuring the right of collective bargaining means nothing. After all, why do we want that the workers should participate

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in the management? There are two reasons. One is to give them a sense of participation so that they may think that they are also one of them; they should think that they are not only producing but also safeguarding the interest of the industry. Another reason is to keep industrial peace. One of the points of the 20-point economic programme is that the workers should participate in the management. So, they should be assured of the right of collective bargaining. If this is denied to them, it will remain incomplete. I will quote one or two instances. Now this is being done in some of the public undertakings under Shri T. A. Pai. But what has happened under other Ministries? It has not been done on a trial basis. I am sorry, the Labour Minister is not here. Otherwise, he would have been able to tell us about it. He was saying, day-in-and-day-out that every management in the private sector should translate this thing into an action and they should try this scheme of participation of the workers in the management. But it has not been done.

You will remember, in this House, a decision was taken that one of the eminent trade union workers and a friend of ours Shri Baga Ram Tulpule should be made the General Manager of the Durgapur Steel Plant. But what had happened? The bureaucrats did not allow him to function at all. He was forced to resign. He went there to take over on an experimental basis and really establish industrial relations. There were horrible industrial relations. He had improved those relations and the net result you know, how he had been rewarded. There was some provocation and interference with the result that he was forced to resign. If this is going to be the participation in the management, I doubt whether this would be successful.

Our suggestion is that the workers should be given the right of collective bargaining. I want to avert strikes. I was one of those who conducted the maximum number of strikes. Today a situation has developed where we do not want any agitation to be exploited or any demand of the workers to be exploited by the right reactionary forces and so on. That is why, we want collective bargaining.

There was a Joint Consultative Committee. They consulted Mr. C. Subramaniam. He gave them a patient hearing on 21st of September, 1976. Again, without any consideration, this case was withdrawn. This has resulted in discontentment growing throughout the country not only among the Central Government employees, State Government employees but also the public undertakings employees.

What is the use of having this body which is not consulting the employees? We want that the scheme should be implemented to ensure the right of collective bargaining to the workers and the employees.

My second amendment is about the democratisation of administrative machinery. The Directive Principles as enshrined in the Constitution cannot be implemented unless the mind of those who are working as bureaucrats is changed. I am not against all the bureaucrats. But there is a rigid attitude. I do not say that they are bad. After all, it is human nature. Some people may not be as good as you like them to be. I have suggested that the State shall undertake all necessary measures to reorganise and democratise administrative machinery at all levels so that it becomes an effective instrument for achieving the objective of socio-economic revolution. This should be done so that they may have a feeling that the various schemes of the Government can be implemented properly by taking the democratic wishes of the people. It is the rigidity on

the part of the bureaucrats, the wooden-headedness on their part which is responsible for not implementing the various plans and programmes of the Government.

What happened in the name of family planning in Muzzaffarnagar on 18th and 19th? It was the result of a rigid attitude and wilful action taken by a bureaucrat to give a bad name to the family planning programme and discredit those who are sincerely trying to implement it and to create a dissatisfaction and hatred amongst the minority community. When some people came from Muzzaffarnagar and told us what happened there, it aroused more horror than pity. So many lives were lost. About 26,000 persons were sterilised—the highest number in U.P. About 30 to 40 persons were killed in police firing on two days. There was a firing even in the mosque. The District Magistrate was proud enough to tell poor rickshaw pullers, "I will see that you are killed or sent to Pakistan." These were his words. Can you tolerate such bureaucrats in our country? Let an inquiry be conducted into it. Let some Members, who have conscience, go to Muzzaffarnagar and see what happened there. Don't believe other people, MLAs, belonging to this party or that party. Let some Members go there and see for themselves what happened there.

After all, we are going in for family planning for the good of the country. I support it; our party supports it. Every person in the country supports it. But it is the bureaucrats who are creating communal hatred and creating hatred among the downtrodden people, the Scheduled Castes and Scheduled Tribes. If this is allowed to continue, I think, ultimately it will boomerang the whole thing. It will affect the smooth working of the Government. It will affect the entire success of the family planning programme. So, we want that there should be an administrative machinery as an effective

instrument for achieving the objective of socio-economic revolution.

The person who do not believe in bank nationalisation are put as Chairman and Managing Directors of the very same bank and concerns. Whether it is the nationalisation of banks or life insurance or general insurance or coal-mines, they are put at the head of those very some bodies. On what basis? It is done on the basis of efficiency. What is the use of such efficiency? The persons who honestly believe in nationalisation should be put on the job.

My third amendment is about the influence of money power. It says:

"The State shall take effective steps to prevent the intrusion of money power in elections and other democratic processes or interference otherwise in such processes by money power."

We have seen what happens during elections. The company donations have been allowed once again. They said that the people were getting money from companies and, therefore, what is the use of having such a ban. Is it not a fact that certain agencies, international organisations, are interested in distributing money in this country? Money flows like anything. I am sure, the money comes from PL 480 funds. It is about Rs. 5000 crores for which no accounts are maintained. We cannot scrutinise their accounts. We cannot audit their accounts. The audited balance-sheets are not given. Then, there is the CIA. They try to pump money into the veins of our country. The result is, inflation and all that. They can disturb the economy of our country at any time they like. Still, we have not been able to put our hands on PL 480 funds and scrutinise them.

Then, about the CIA organisation functioning in the country, I have seen certain workers moving about throughout the country by air. I don't

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see how they can move by air unless it is for a parliamentary session. Where do they get this money from? I have seen certain organisations—I don't want to name them now and I congratulate the Prime Minister for naming some of the organisations—and they are employed in the Embassies also. How can they go to the States every time? They have always a ticket in their pocket; it is almost a permanent ticket. They go to the States so many times. The question is, what is the source of this money? From where does it come? Is it a national source or an international source—just like a national gang and an international gang or a combined one. It is nothing but a gang like the smugglers gang or some such thing. So, the State should take steps to see that the money which is meant for elections and other democratic processes is not used for such purposes.

When we were fighting the Presidential elections, the Prime Minister staked everything and said 'we will support Mr. Giri' and our leaders supported her. When Mr. Giri was being supported by us, who supported Mr. Subba Rao? Who were those forces? And who supported my most respected friend Mr. Jaiprakash Narain?

SHRI JAMBUWANT DHOTE: What has all this got to do with the amendment?

MR. DEPUTY-SPEAKER: If you had read his amendment you would not ask this question. He is using all his arguments.

SHRI S. M. BANERJEE: Now, they say there are millions behind J. P. What are those millions—people or money?

MR. DEPUTY-SPEAKER: You have made your point.

SHRI S. M. BANERJEE: I am only saying that we wanted this not for our sake but because this money pollutes politics.

With these words I would request the hon. Minister to accept this. He cannot say that he accepts the principle but cannot accept the amendments; let him accept at least some amendments.

SHRI EBRAHIM SULAIMAN SAI: Sir, I have moved Amendment No. 490 which seeks to amend the Directive Principles. The Government thought it fit to bring about an amendment to Clause 43 of the Directive Principles of the Constitution. The Amendment of the Government says that "the state shall take steps by suitable legislation or any other way to secure the participation of workers in the management of undertakings, establishments and other organisations engaged in industry". I quite agree that this is a very laudable amendment sought to be made by the Government and it is in keeping with the objectives of a socialist country which our country is today. But I would like to add this Clause as Clause 43 (b) that:

"the State shall provide for economic uplift and avenues of employment in public and private sectors for the weaker sections of the people including the minorities".

By amending the first part the Government seeks to make clear the social objectives of the Government. My amendment, as moved, goes to make clear the secular character of our country, about which we want to make a declaration in the Preamble. No doubt, it can be said they are not related to each other. But I would say that while this amendment the Government has moved wants to give more facilities for the progress of the working class, what I say is that, together with that, the weaker sections should be guaranteed proper employment in various public sector undertakings and also in establish-

ments and other organisations engaged in industry. So, I feel this is a related clause.

Now, when other clauses are not open to amendment except these two clauses, i.e. 39 and 43, there is no other go for us than to take shelter under this clause and to say that the minorities should also be properly protected by giving them adequate representation in service. I am very, very grateful to my respected colleagues of the CPI who have championed the cause of the minorities so well by introducing the previous amendment to Clause 39. But the Law Minister, in his wisdom, has not thought it fit to accept that amendment because, he said, there is already a provision for the protection of minority rights in the Fundamental Rights chapter of the Constitution. There is no doubt that so far as Clauses 25, 29 and 30 are concerned there is protection for various minorities and that the linguistic minorities are also given the right to establish educational institutions. But nowhere do we see that there is any provision to see that the minorities are also given adequate representation in various public sector or private sector establishments and organisations. Therefore, now that we are declaring our country to be a really sovereign, democratic, secular, socialist Republic it would be in keeping with its character if we give appropriate and adequate representation to the minorities also. No doubt, I have not mentioned anything here about the Scheduled Castes and Scheduled Tribes, but they already have reservation, as pointed out by the Minister himself. Therefore, I think that we can also demand reservation for the Muslim minority, which is not against the Constitution. A Minorities Commission can be appointed which can go deep into the economic and educational position and status of the Muslim minority and then recommend if reservation is possible or not. The object we have set her is that we should have social

justice. But where is social justice if a minority class is discriminated against and there is disparity in various walks of public life? Therefore, I would request that such a provision should be made somewhere in the Constitution by which the minorities can be given representation. If you will go through the statistics, you will find that in no Department there is more than 2 per cent of Muslim representation whether it is the Judiciary, the Collieries, the Military, Industrial Undertakings, Railways or the Parliament. If the Government is so sure that the Minorities are really protected and are given adequate representation, I would demand that they should come forward and lay the statistics on the Table. I am sure the Government would not be able to say that the Muslims represent more than 2 per cent of the membership in various establishments.

I hope the Law Minister will find it possible to accept this or bring in some other provision in the Directive Principles so that the minorities will be satisfied.

श्री शंकर दयाल सिंह : उपाध्यक्ष महोदय, हम इस समय 43(ए) के सम्बन्ध में विचार कर रहे हैं, जिसमें औद्योगिक श्रमिकों के सम्बन्ध में कहा गया है। मुझे खुशी है कि सरकार ने औद्योगिक श्रमिकों के मैनेजमेंट में पार्टीशिपेशन के बारे में इस के पहले भी बहुत कुछ कहा है, वीस सूची कार्यक्रम में भी कहा गया है और बहुत सी जगहों पर उस को धमल में भी लाया गया है। जिन माननीय सदस्यों ने उन श्रमिकों के सम्बन्ध में अपनी दलीलें यहां पेश की हैं, उन का भी स्वागत करता हूं। लेकिन एक बात में बड़ी गम्भीरतापूर्वक कहना चाहता हूं—माननीय विधि मंत्री जी मेरी इन्हीं बातों का मानें या न मानें, लेकिन यदि इस बात को मान लें तो वास्तव में देश का बहुत बड़ा कल्याण हो जायगा। आप ने यहाँ औद्योगिक मजदूरों

[श्री शंकर दयाल सिंह]

के सम्बन्ध में कहा है, लेकिन खेतिहर मजदूरों का क्या होगा? औद्योगिक मजदूर, जिन की संख्या 1 करोड़ से कुछ अधिक है, उन के हित की बात तो मैंने कहा दी, लेकिन खेतिहर मजदूर, जिन की संख्या लगभग 6 करोड़ है—उन के सम्बन्ध में प्रायः कोई भी सरकार कानून नहीं बनाता चाहती है। जब तक आप इन मांगों के लिये कोई सरकार और व्यावहारिक कानून नहीं बनायेंगे, इस देश में समाजवादी ङीठ ढंग से नहीं आ सकता।

उपाध्यक्ष जी, प्रधान मन्त्री जो ने बार बार इंग्लैंड के बारे में ही उन श्रमिकों के बारे में कहना शुरू किया और कांग्रेस ने यों तो बहुत पहले ही उन का ध्यान दिया था और लखनऊ में जब कांग्रेस का अधिवेशन हुआ था, उसी समय उन के सम्बन्ध में बातें कही गई थीं लेकिन नरोरा कैम्प में 22, 23 नवम्बर, 1974 को जो इस सम्बन्ध में मूलभूत प्रस्ताव तैयार किया गया था, वह कुछ मजदूरों के सम्बन्ध में था और वह सब से महत्वपूर्ण प्रस्ताव था। उसके बाद बहुत गम्भीरतापूर्वक सरकार ने भी और कांग्रेस संस्था ने भी उन का ध्यान दिया और राष्ट्रीय ग्राम मजदूर कांग्रेस की स्थापना उसके बाद हुई और एन. संगठन कायम करने की कार्यवाही की गई। इसीलिए मैंने अपना एम्बेडेज यहाँ पर रखा है। आप ने जो इण्डो-ट्राल वर्कर्स के बारे में कहा है कि “राज्य उस युवक विधान द्वारा था जिसने अन्य प्रकार से, किसी उद्योग में लगे हुए उद्योगों, स्थापना अथवा अन्य संगठनों के प्रबन्ध में, मजदूरों का भाग लेना सुनिश्चित करने के लिए कदम उठाएगा,” इस में मुझे कोई एतराज नहीं है लेकिन खेतिहर मजदूरों के सम्बन्ध में अपना कदम पीछे मत ले जाइए। इस के लिए मैंने यह सुझाव दिया है कि “कदम उठाएगा” के बाद आप यह

भी जोड़ दें “एवं खेतिहार मजदूरों को न्यूनतम मजदूरी तथा रोजगार की गारण्टी प्रदान करेगा।”

देन तो जो जन संघर्ष है, उस पूरी जन संघर्ष के लगभग 25.76 प्रतिशत लोग कृषि में लगे हुए हैं। हम उन लोगों को कभी भी इस तरह से इशारे नहीं करना चाहते। अग्रे तक जो भी फायदे हुए हैं, बहुत हद तक औद्योगिक श्रमिकों को हुए हैं। कृषि में लगे हुए मजदूरों को बीन मूत्री कार्यक्रम के बाद में कुछ फायदा प्रशस्त हुआ है। मैं बताना चाहता हूँ कि भारत में खेतिहर मजदूरों के आन्दोलन की शुरुआत जवाहरलाल नेहरू जी ने मुंशी गंज से की थी और वे खुद वहाँ गये थे और वहाँ पर उन्होंने सब कुछ देखा और देखने के बाद उन्होंने अपनी अटो-बाइग्राफो में लिखा है :

“मुझे हैरानी इस बात पर हुई है कि शहरों के रहने वालों को इस बड़े किसान आन्दोलन के बारे में कोई जानकारी नहीं थी। किसी भी अखबार में इसके बारे में एक लाइन नहीं छपी क्योंकि वे गांवों के मामले में कोई दिलचस्पी नहीं रखते थे। इससे मुझे इस बात का पहली बार पूरा आभास हुआ कि हम अपने देश की जनता से कितनी दूर हैं और उन से अलग-थलग अपनी अलग दुनिया में काम कर रहे हैं और आन्दोलन कर रहे हैं।”

उपाध्यक्ष जी, हमारा यह कहना है कि औद्योगिक श्रमिकों के बारे में बहुत कुछ कहा जाता है और बहुत से अखबारों में उन के बारे में सुखिरीयों में आ जाता है। हमें इसके बारे में कोई शिकायत नहीं है लेकिन उन बेचारों का हाल क्या है जिन्हें साल में

तीन महीने भी काम नहीं मिलता है और जिन्हें दो हफ्ता, डेढ़ हफ्ता और एक हफ्ता हो दिन भर काम करने के बाद मजदूरी मिलती है। अभी सरकार ने सभी स्टेट गवर्नमेंट्स को डाइरेक्शन्स दिये हैं कि वे मिनिमम वेजेज का रिजोशन करें और मिनिमम वेजेज का रिजोशन हुआ भी है। बिहार में साढ़े चार रुपये फिक्स किया है, बंगाल में 6 पया 63 सैंसे फिक्स किया है, गुजरात में 3 रुपये फिक्स किया है, हरियाणा में 7 रुपया और आसाम में 5 रुपया फिक्स किया है। लेकिन मैं तो यह चाहता हूँ कि उन के लिए कुछ वेल्फेयर स्कोम्स भी सरकार बनाए। वह उन के लिए बनाई जाएंगी या नहीं? आज उन का काम उतने पैसे में चल नहीं सकता। वे अपने बच्चों को पढ़ा नहीं सकते, उन का इलाज नहीं कर सकते और उन के लिए दवा दारू नहीं ला सकते। कोई दूसरा काम वे कर नहीं सकते। दूसरी ओर इण्डस्ट्रियल वर्कर्स के लिए वेल्फेयर फ्रण्ड है, उन के लिए मनोरंजन गृह हैं, उन के बच्चों के लिए पढ़ने के लिए स्कूल हैं। मैं इस का स्वागत करता हूँ लेकिन यह कहना चाहता हूँ कि खेतिहर मजदूरों के लिए भी सरकार इन बातों की ओर ध्यान दे। इसीलिए मैंने निवेदन किया है अपने एमेंडमेंट के द्वारा कि जब तक आप खेतिहर मजदूरों को इसमें नहीं जोड़ते, जब तक उन को काम की गारण्टी नहीं देते और उन के मिनिमम वेजेज के सम्बन्ध में संविधान में नहीं लिखते, तब तक उन बेवारों को उन का हक नहीं मिलेगा। इसलिए नहीं मिलेगा कि उनका कोई संगठन नहीं है। शहरों में उनकी कोई सुनने वाला नहीं है। शहरों में उनकी कोई बात जोरदार ढंग से कोई कहता नहीं है।

SHRI H. R. GOKHALE: Mr. Deputy-Speaker, Sir, when I say that some of these principles are good, my friends complain that the Minister only says that the principles are

good, but does not agree to the inclusion of those in the Directive Principles. The real point is that we have a chapter on Directive Principles and as it is, we are making some good additions to this chapter. The question is, how many Directive Principles are going to have. In fact, the complexity of our society and the complexity of our present situation will throw up so many problems and many of them are undoubtedly important. It is not, I think, right to burden the Chapter of Directive Principles with regard to each of them. Many of us on this side, and many of you on the other side have accepted certain principles as part of our political policy and during elections or elsewhere, I have been supporting them: my leader and my party have been supporting them, but that does not justify, without a mature and detailed consideration of the various implications, their inclusion in the Directive Principles.

SHRI S. M. BANERJEE: Here, by clause 9, you want to include:

"The State shall takes steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry."

You have already included this and we want something to be added after that.

SHRI H. R. GOKHALE: I was coming to that. The broad principle that there should be workers' participation in industry has already been included. Some people say that the participation should be this way or that way. Someone said that it should not be only participation, but it should be ownership of the industry. That goes beyond the scope of the Directive Principles. In what way, the participation should take place is a matter of working out de-

[Shri H. R. Gokhale]

tails, but I do not rule out anything. The Directive Principle which has been formulated takes into account all the possibilities which may be feasible for appropriation legislation. Nothing is ruled out. For example, it was pointed out by my friend, Shri Daga, that the participation of workers should be at all levels. Having it at all levels is also not ruled out. In fact, it is not the idea that it should not be there at all levels; it can be there. The whole question is that all these details are not to form a part of the Directive Principles, and the main direction which is sought to be given is there in the formal proposal for inclusion of a certain Directive Principle.

A reference was made to collective bargaining, and one of the three amendments by Shri Indrajit Gupta and others is with regard to the right of collective bargaining. The whole idea seems to be that there should be an obligation on the employers to enter into bargaining with the workers and there should be an obligation on the workers to enter into bargaining with the employers. There is the Industrial Disputes Act and there are so many other Acts; may be that the principle of collective bargaining in the broad sense as it is suggested is not there in the fullest extent, but some kind of a collective bargaining in some form is there. May be that we do not like the present system of conciliation. I have myself been connected many years back with the trade unions, not indirectly, but very directly, and I have participated in strikes and I have been a person who has gone to jail after independence in connection with the struggle for workers. I have myself felt that the method which is followed now in respect of conciliation may not be quite adequate. Some changes have been made subsequently, but perhaps not enough. But that does not mean that there is no collective bargaining principle at all. The conciliation really

means that you bring together both the parties on a given demand for a discussion through the intervention of some other party.

SHRI INDRAJIT GUPTA: Nobody wants that intervention.

SHRI H. R. GOKHALE: The intervention is not wanted for the reason that the worker should have a right to negotiate directly with the employer and the employer should have negotiations with the workers directly. That is what you are pressing for.

SHRI INDRAJIT GUPTA: You do not want that?

SHRI H. R. GOKHALE: I did not say that I do not want it. What I said was that it was not right to say that there was no kind of collective bargaining at all. There is something, not to the extent you will like it or some people may like or I may like. But these are matters which, I suppose, ought to be considered at a separate level, between you and the Government and between others concerned with it and the Government and maybe a suitable formula can be evolved and it may not be necessary to include it in the Directive Principles for giving recognition to this principle.

Then, with regard to the money power, as he himself pointed out and as Mr. Banerjee himself pointed out—I think you intervened at some stage that nobody disputes that—it is true that nobody disputes it. We have in our laws certain provisions in respect of control over the play of money in the elections. All of us have been feeling, including those on this side, that these provisions are not enough to deal effectively with this. I do not want to enter into the question of the proposed legislation with regard to open company donations. That is a separate matter. That really does not affect the main question whether the money power should be curbed further or not. We are discussing this matter and everybody agrees

with this. We can adequately take care of this in a suitable legislation and I can assure you that we are applying our mind to this and without putting it this way or that way in the Directive Principles, this can be taken care of. I do not think we need it in the Directive Principles.

The third aspect is about democratising the administrative machinery. Now, I fully agree in the present method you do not have that kind of democratisation but you have not only at some level but at all levels some provision by which you can associate the representatives of the people and in the ultimate interest of giving effect to the policies, for implementation of the plans or in the implementation of policies or, for example, in the implementation of the 20 point programme to which I think a reference was in terms made. But, again do we want it in the Directive Principles?...

SOME HON. MEMBERS: Yes.

SHRI H. R. GOKHALE: You want it?

SOME HON. MEMBERS: Everybody wants it.

SHRI H. R. GOKHALE: My own personal feeling is that it is not necessary. I would not rule out and naturally I cannot rule it out because I believe in it. I do not rule it out and we have to work out some formula. In fact some attempt has been made. It may not be fully successful. Here and there it is successful. It may not be successful everywhere but it does not mean that we are not conscious about it.

SHRI DHARNIDHAR DAS: You should secure participation of progressive mass organizations.

SHRI H. R. GOKHALE: I did not use the word 'mass organization'. What I said was in general terms—democratisation of administration. It can take place in different ways. It

may also include collaboration or association of mass organizations apart from anything else and in addition to others, I would not think that it is necessary to be added in the Directive Principles.

So many other suggestions have been made and quite a good number of them, but I picked up the major among them.... (Interruptions).

With regard to the ownership of industries, it may be with regard to the vital sectors of the industry, they will have to be owned by the State. There is no question of workers. After all workers are the major part of the composition of the State....

SHRI PRIYA RANJAN DAS MUNSI: In the private sector, why should they not get the right to participate in the ownership?

SHRI H. R. GOKHALE: Instead of the State becoming the owner. You said the workers will become the owner. Nobody rules it out. The question is: where we are dealing with the subject of participation, you referred to the subject of ownership. I am not saying that it is ruled out. What I am saying here is that we are taking one and I think, important step politically. And you also agree that it is an important step. Now we are taking that step and let us try it out. You yourself told me just now that this cannot solve anything although it is a good direction which we are giving and we have to work out a detailed legislation so that at the earliest possible time you give effect to this and not say things as a general principle. The principle is important to this extent that it gives the direction. Now that direction having been given, I am quite sure that the Government—the Labour Minister will be mainly concerned with this and the whole Government is concerned with this—may give due attention to this and a suitable legislation will be evolved.

[Shri H. R. Gokhale]

Yesterday and to-day an intervention was made with regard to the farm workers. So far as the farm workers are concerned, the whole approach here is to make particularly the tillers of the soil the owners of that land. Legislation has already been undertaken. There are other provisions in the Constitution under which it is sought to be done.

SHRI SHIVNATH SINGH (Jhunjhunu): I have not talked about the participation in the management. I have already tabled my amendment. It is very clear from that that I want guarantee of the services and at the same time the Minimum Wages Act should be revised.

SHRI H. R. GOKHALE: We can look into it. It is not something which goes against the directive principles. It is still open. You can raise the question here or there. But we are not discussing in which category the wages are so much and since the wages are not enough these should be increased. How can I tell you that such an increase is there? You may be right. You do not go into the question of increase in wages when you are dealing with the general question with regard to participation. All that you want can be dealt with when you revise the Minimum Wages Act. You are an effective Member of Parliament. You can bring something before the Parliament at a later stage.

SHRI SHIVNATH SINGH: It can not be done without your help.

SHRI H. R. GOKHALE: So far as I am concerned, I am willing to sit with you and apply my mind to it.

SHRI DHARNIDHAR DAS: My question is something different from the workers, participation in the management.

SHRI H. R. GOKHALE: My friend wants me to repeat the expression 'mass organisation' more than once. I have already referred to that. I know broadly what can be said about 'mass organisation'—trade, unions, organisation of the workers on the land are mass organisations. There are others too. I have not to define 'mass organisation'.

I have already said about it and I thought that that was enough.

A question was raised with regard to the minorities. It was said that certain protection must be provided in regard to employment of Muslims and other weaker sections of society. I do not know how to deal with this question now. The reservation is for different sections of the population. The word 'Muslim' perhaps is not there. But it is for all those who might need it. Some may not need it. You may say that Muslims are not employed in Government jobs to the extent they ought to be. Or they may not be in such other jobs which are under the control of the Government. I have understood your point. But this is a point where Government cannot take a positive stand that such a reservation ought to be given to the Muslim or not, when we are thinking of putting it in the directive principles. I think directive principles have a certain value. You accept it as a direction which the Government has to follow. Can Government turn round and say that we cannot do it? The main thrust of his argument was that that is the only way in which protection can be given although he has not put it specifically in the form of reservation for the Muslims. In view of what I have said, I hope that the hon. Members would not press for their amendments.

Clause 9A (New)

MR. DEPUTY-SPEAKER: Now we come to New Clause 9A. There are two amendments Nos. 572 and 573 to be moved.

SHRI INDRAJIT GUPTA: I beg to move my amendment No. 572. I beg to move:

Page 3,

after line 34, insert—

‘9A. After article 45 of the Constitution, the following article shall be inserted, namely:—

“45A. The State shall promote by suitable means participation of youth in physical culture, training and sports.”’
(572),

Page 3,—

after line 34, insert—

‘9A. After article 45 of the Constitution, the following article shall be inserted, namely:—

“45A. The State shall take measures to ensure the full and free participation in the political life of the country of all citizens on completion of eighteen years of age.”’
(573)

श्री भान सिंह जोरा : यह अमेंडमेंट बहुत छोटा है। इसको इन्हें ठण्डे दिमाग से सोचना चाहिये और यह देखना चाहिये कि यह सबजेक्ट कितनी इम्पार्टेंस रखता है। अगर आप आर्टिकल 45 को पढ़ें तो उससे पता चलता है कि उसमें जो कुछ कहा गया था, वह आज तक पूरा नहीं हुआ है। आर्टिकल 45 में यह लिखा है कि—

The State shall endeavour to provide within a period of ten years

from the commencement of this Constitution of free and compulsory education for all children until they complete the age of 14 years.”

यह जो काम 10 साल में होना चाहिये था, आज 1976 तक 16 साल के बाद हम कांस्टीट्यूशन को अमेंड कर रहे हैं लेकिन कांस्टीट्यूशन में यह क्लॉज होने के बाद भी आज तक यह काम पूरा नहीं हुआ। बहुत से चीफ मिनिस्टर वगैरा स्टेटमेंट जरूर देते होंगे कि 100 परसेंट हुआ है लेकिन जब गांव में देखते हैं तो यह नहीं कह सकते हैं कि 50 परसेंट बच्चे भी स्कूलों में जाते हैं। लिस्टे भी बन रही हैं, और सब कुछ हो रहा है मगर असल बात यह है कि गरीब आदमी अपने बच्चों को स्कूलों में नहीं भेज सकते हैं। दो या तीन बच्चे हो गये कि वे समझते हैं कि इनकम में फ्रक पड़ गया, इसलिये वे भेजते नहीं हैं। मेरा यह अमेंडमेंट इसमें जोड़ देने से मैं समझता हूं कि हमारे मुल्क की जरूरत पूरी हो जायेगी।

हमारा 60 करोड़ की आबादी का मुल्क है, खेल कूद के सम्बन्ध में आप देखिये कि मान्द्रियल में क्या हुआ। पहले क्या हुआ है और आज भी हमारे साथ क्या हो रहा है, इसको हमें ध्यान से सोचना चाहिये। हम यह कह सकते हैं कि हमारे पास पैसा नहीं है। मेरा कहना यह है कि पैसा कौन सा बाहर से आयेगा, और चीजों के लिये भी पैसा लगता है, तो स्पोर्ट्स के लिये भी गवर्नमेंट को कहीं न कहीं से पैसा लाना चाहिये। ताकि यह काम हो सके।

स्पोर्ट्स को हमें हर नैबल पर ले जाना चाहिये। अभी गांव में लोष कबड्डी को ही जानते हैं, और खेलों के बारे में जानते ही नहीं कि क्या होते हैं। बहुत से कार्नेस में यही बात है। शहरों में जगह जगह स्टेडियम बन रहे हैं, लेकिन गांव में भी स्टेडियम बनाने का इन्तजाम सरकार को करना चाहिये। स्पोर्ट्स में क्या हुआ है, यह सब को पता है। हमारी

[श्री भान सिंह भौरा]

हाकी टीम सबसे अच्छी थी, लेकिन वह भी हार गई। पार्लियामेंट में आया था कि जो सलैक्शन बाडीज होती हैं, उसके बारे में भी गवर्नमेंट को कहीं न कहीं सोचना चाहिये।

14.00 hrs.

गवर्नमेंट को यह नहीं सोचना चाहिए कि कोई प्राइवेट एसोसिएशन बनी हुई है, गवर्नमेंट उस के मामलों में दखल नहीं दे सकती है, वह एसोसिएशन जो चाहे करती रहे चाहे जैसे प्लेयर्स आलिम्पिक्स वगैरह में खेलने के लिए भेजती रहे। मैं आप की पंजाब के ऐसे लोगों की लिस्ट दे सकता हूँ जो मान्दियल आलिम्पिक्स में सिर्फ़ ऐश करने के लिए गये।

MR. DEPUTY-SPEAKER: I think you are aware of your own amendment. You want the participation of youth in physical culture. But, you are now going on with the selection of Team etc.

श्री भान सिंह भौरा : यह बताना जरूरी है कि स्पोर्ट्स को नेशनल लेवल पर कैसे डेवलप करना चाहिए। स्पीकर साहब ने स्पोर्ट्स के बारे में एम०पीज० की एक कमेटी बना कर बहुत अच्छा किया है :

जब एजुकेशन को कान्क्रेट लिस्ट में लाया जा रहा है, तो मैं मांग करूंगा कि स्पोर्ट्स को भी कान्क्रेट लिस्ट में लाना चाहिए। सेंट्रल लेवल पर कोई कमेटी या बाडी बनाई जानी चाहिए, जो स्पोर्ट्स को डेवलप करने के बारे में अच्छी तरह से विचार करे। स्पोर्ट्स को डेवलप करने के बारे में हमें जी०डो०भार० और सोवियत यूनियन वगैरह सोसलिस्ट मुल्को से सीखना चाहिए, जिन्होंने अमरीका जैसे बहुत पैसे वाले देश को पीछे छोड़ दिया है।

सेंटर में स्पीटर्स को एक सैपरेट मिनिस्ट्री होनी चाहिए, जिस का सारा ध्यान स्पोर्ट्स को डेवलप करने और यंगमैन को सेहत का ब्याल रखने पर हो।

मैं आशा करता हूँ कि मिनिस्टर साहब यह एमेंडमेंट मान लेंगे।

MR. DEPUTY-SPEAKER: You are not speaking on the other amendment Mr. Chandrappan.

SHRI C. K. CHANDRAPPAN: Sir, a few years ago, a Joint Committee of Parliament had gone into the question of bringing down the voting age to 18. When a comprehensive Constitutional amendment is brought forward here, I wonder, why this aspect was not thought of by Government.

We would like that, in the Directive Principles of the Constitution, this amendment which we have moved should be included so that the people above the age of 18 will get full and free participation and opportunities to play full and free role in the political life of our country. I think that even the Government say that they are also feeling that the youths throughout should be given an opportunity to come to the political life of our country. Apparently, they should have given a concrete shape to this thing by providing the youths with this opportunity. But, Government has not come forward to do that. Why have they not thought it good to have an amendment for giving the young people of this country the right to vote at the age of eighteen? It was the considered view of both Houses of Parliament that a Joint Committee of the House should consider that aspect of the matter. The Joint Committee recommended that and the petitions Committee of this Parliament also recommended to Government to look into this matter. But that has not been done.

If you take the last five years we have seen during this period what has been provided for to these people. This possibility was provided for to the young people all over the country in England in Bangladesh, our neighbouring country and Ceylon. I can quote so many examples of such a legislation having been brought forward to provide the political right to the young people.

It is not merely a question of giving voting rights to the young people; it is a question of taking them into confidence and giving them a social responsibility as well as duty. I must say that whatever be the tall talks of Government about giving the youth orientation, here they have so miserably failed in giving the young people confidence that they will have a say in the affairs of this country. It is to enable Government to do that we suggest that this should be put in the directive principles, if you accept this, I am very sure that in the next session or sometime in the near future you could come forward with a positive amendment providing the young people with the right to vote. It is with this object that we have moved this amendment. I hope Government will give due consideration to it.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): As you know, this question had been raised in both Houses and the reply was given at that time that a Committee had been appointed, and the whole thing was before Government for consideration along with the general question of electoral reforms. We cannot anticipate what will be the result of those discussions and put them now in the directive principles.

SHRI C. K. CHANDRAPPA: Voting is only one aspect of the matter. The broader question is whether the young people will be given a say in the whole matter,

whether there will be an opportunity given to them, by providing at least in the directive principles that you are taking them into confidence. Will you do that?

SHRI B. S. BHAURA: You are accepting my amendment?

DR. V. A. SEYID MUHAMMAD: No.

Clause 10—(Insertion of new article 48A.

Protection and improvement of environment and safeguarding of forests and wild life)

MR. DEPUTY-SPEAKER: Prof. S. L. Saxena—he is not here.

DR. RANEN SEN (Barasat): Yesterday you gave chance to those who had not moved amendments to speak. This practice should not go on.

MR. DEPUTY-SPEAKER: No. What was done yesterday was exceptional. I had said it **should not** be quoted as a precedent. It was because it involved anti-national activities over which so many members were concerned and agitated that I went out of the way. But that is not going to be a precedent.

SHRI HARI KISHORE SINGH: I beg to move:

Page 4,—

for lines 3 to 5, substitute—

“48A. The State shall ensure protection and improvement of environment and shall safeguard wild life and forest wealth of the country.” (198)

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

Page 4,—

for lines 3 to 5, substitute—

“48A. The State shall endeavour to protect and improve the en-

[Shri P. Narasimha Reddy]

vironment, conserve and develop the Water, soil and other natural resources and to safeguard the forests and wild-life of the country." (216)

SHRI M. C. DAGA: I beg to move:
Page 4, line 3,—

for "endeavour" substitute—

"pass legislation" (236)

SHRI NIMBALKAR: I beg to move.

Page 4,, line 5,—

after "try" insert—

"in harmony with nature and natural surroundings particularly in sanctuaries and parks" (254).

SHRI KARTIK ORAON: I beg to move:

Page 4,—

after line 5, insert—

"Provided that such an endeavour shall not go against the interest of, or is detrimental to, the tribal forest dwellers." (379)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 4, line 5,—

add at the end—

"and undertake adequate and effective measures to check environmental pollution" (458)

Page 4,—

after line 5, insert—

"48B. There shall be a Standing Committee of Parliament and the State Legislatures as the case may be for reviewing and investigating all matter relating to the implementation of the Directive Principles." (459)

SHRI SHANKAR DAYAL SINGH:
I beg to move:

Page 4, line 3,—

after "improve the" insert—

"heritage and atmosphere" (508)

Page 4, line 4,—

after "safeguard the" insert "trees" (509)

SHRI K. PRADHANI (Nowrangpur): I beg to move:

Page 4, line 5,—

add at the end—

"without injuring the tribal life" (581)

श्री हरि किशोर सिंह: उपाध्यक्ष महोदय, मैं इस पर बहुत ज्यादा कहना नहीं चाहता। मैं चाहता हूँ कि इसमें पेनाल्टी क्लॉज लगाया जाय और इसी उद्देश्य से मैंने यह संशोधन दिया है कि—

"It shall be the duty of the State to ensure the protection of wild life."

जब तक यह नहीं होता है तब तक वन सम्पदा की रक्षा नहीं हो सकती है। आज हम वन-सम्पदा की रक्षा करने में अपने को असमर्थ पा रहे हैं। काफ़ी अच्छा कानून इस सदन ने पारित किया है और सरकार की ओर से काफ़ी जोर दिया जा रहा है लेकिन चूँकि राज्य सरकारों के अन्तर्गत वन सम्पदा की रक्षा की जिम्मेदारी आती है इसलिए जिस दृष्टि से हमने विधेयक पारित किया था और जिस दृष्टि से हम उसकी सुरक्षा के लिए संशोधन आज पारित करने जा रहे हैं उसका मन्तव्य सफल नहीं हो पाता है। हम अपने उद्देश्य की प्राप्ति में सफल नहीं हो पायेंगे जब तक कि इसमें पेनाल्टी क्लॉज न लग जाये, सजा देने की व्यवस्था न हो जाये और एकदम इसकी जिम्मेदारी सरकार की न हो जाये। इतना ही मुझे कहना है।

सरकार की न हो जाये। इतना ही मुझे कहना है।

SHRI P. NARASIMHA REDDY: Sir, I have suggested the addition of the following words "8A. The State shall endeavour to protect and improve the environment, conserve and develop the water, soil and other natural resources and to safeguard the forests and wild-life of the country." This amendment is important and I have done this bearing in mind the advice given by the Law Minister in the course of early discussions on directive principles that are being enumerated in the Constitution that the Constitution could not be overburdened with all sorts of details. In spite of that I venture to say that the addition of the words is material and significant and must be favourably considered by the Law Minister. Protection of environment has great economic implication to the nation. Water, soil and other natural resources are already under great strain in the country. Conservation of natural resources has an important and positive side to our effort to contain the population of the nation. No doubt, population control is very necessary and all importance is being given to it. Along with that, this aspect is also important. Even if you succeed in stabilising the population, the strain on our natural resources such as water and soil may increase due to demands created by higher living standards, etc. So this would need particular emphasis and special need to conserve soil, water and other natural resources will have to be mentioned in the directive principles.

Further more, from another point of view also the addition of these words becomes very necessary. In coming times, when increasing demands on our water, soil and other natural resources are made, we will be more and more compelled to resort to legislation and bring about a sort of control over the use of those resources. For example if the use of

water in this country for irrigation, factories or domestic purposes is found to be exorbitant or wasteful compared to other countries, to prevent such wasteful usage, you may have to bring in statutes touching the use of water in field, factory and house imposing statutory conditions on such use. I think the intervention of the state will become increasingly necessary and legislation may have to be brought in to conserve those natural resources and such legislation needs protection from articles 14, 19, etc. From that point of view, I should urge the hon. Minister to consider this amendment favourably.

श्री मूलचन्द बागा : धरती का सौंदर्य बने जंगल और वन्य पशुओं से है। प्रकृति का संतुलन अगर रखना है तो दोनों को जिन्दा रखना होगा। पेड़ भी जानदार होते हैं। भारत के महान वैज्ञानिक, जगदीश चन्द्र बोस ने कहा था कि पेड़ों में जीवन है। इसकी तरफ जो आपने ध्यान दिया है उस के लिये मैं आपका शुक्रिया अदा करता हूँ लेकिन एक बात मैं कहना चाहता हूँ। मैंने जो प्रमोडमेट दिया है उसके द्वारा मैं चाहता हूँ "स्टेट शैल एन्ड्रेवर" ... की जगह पर "स्टेट शैल पास ..." होना चाहिए। मैंने इस पर इसलिये जोर दिया है कि हमारे नेशनल कमिशन फॉर एग्रिकल्चर, जिसने इस सम्बन्ध में बहुत टिप्पणी की है, बताया है।

"Forest development would have to have more and more statutory backing, because several institutions may have to be created for particular purposes and these institutions should have the necessary statutory support. Though the existing forest law covers provisions for reservation and protection of land locked to forestry, there is no direction for making up the areas by the States in place of areas disforested."

[श्री मूलचन्द डागा]

हमारे यहाँ जो फारेस्ट एक्ट बना है, वह 1920 का है। उसके बाद तब-कमेटी ने रिकमेन्डेशन भी दी थी और कहा —

"We have given thought to the principles which should govern any revision of forest legislation and we recommend that there should be an all India Forest Act indicated by the Parliament for the sake of uniformity. It should be possible to frame the Act in such a manner that the States are free to make subsidiary rules and regulations under the Act to solve any special situations."

तमाम स्टेट्स में एक सब से बड़ा गुनाह यह होता है कि एक चारसी रुपये की कीमत का पेड़ काट दिया जाता है और उस पर ज़माना होता है—सिर्फ 15 रुपये। इस तरह से सारे जंगल काट दिये गये हैं। मेरी बात से श्री कांतिक भोराव साहब को बहुत खुशी होगी, जो लोग ट्राइबल एरियाज से आते हैं—वे जानते हैं कि उनके इलाके में जगहों की क्या हालत बना दी गई है। अब सरकार जो संशोधन लाई है—यह एक अच्छी बात है, लेकिन दिक्कत यह है कि सरकार जो काम करती है अंधग्राही करती है। इस वक्त आपने जो प्रावीजन किया वह काफी नहीं है, जब तक आप स्टेट को डाइरेक्टिव नहीं देंगे तब तक काम नहीं चलेगा। स्टेट्स के ऊपर मामले को छोड़ देने से काम नहीं होगा, आप उनको कहिये कि वे अपने यहाँ कानून बनायें। चारो तरफ जंगल कटते जा रहे हैं, वाइल्ड-लाइफ के साथ खिलवाड़ किया जा रहा है, प्रकृति का संतुलन बिगड़ता जा रहा है। डा० सैयद महमूद साहब, अगर ये फारेस्ट कायम रह गये तो आपकी उमर 100 साल की हो जायगी। मेहरबानी करके दुनिया के प्राकृतिक संतुलन को, नेचर को डिस्टर्ब मत कीजिये। इसलिये मैंने संशोधन दिया है—आप मेरे संशोधन को स्वीकार कीजिये। आपका 1920 का फारेस्ट एक्ट

बिल्कुल निरुपयोगी है, उस के बाद स्टेट्स ने कोई कानून पास नहीं किया। जंगलों का मतलब धरती है, मेहरबानी करके धरती के साथ खिलवाड़ मत कीजिये। ठेकेदारों और दूसरे लोगों ने घादिवासियों को बहुत नुकसान पहुंचाया है, उनके जंगलों को लूट लिया है। मेरा सुझाव है —

In place of words "the State shall endeavour", the words "the State shall pass legislation" may be inserted. You have said that the State shall make suitable legislation under Clause 9 and Clause 8.

बिना इस तरह का संशोधन पास किये स्टेट्स काम नहीं करेंगी। इसलिये आप उनको डाइरेक्शन दें कि अपने यहाँ लेजिस्लेशन पास करें। मुझे उम्मीद है कि आप मेरी प्रमोडमैंट को जरूर स्वीकार करेंगे।

SHRI NIMBALKAR: Sir, I would request the Hon'ble Minister to accept my amendment which is at the end of the clause. At the end of the Clause the following may be added:

"in harmony with nature and natural surroundings particularly in sanctuaries and parks".

Sir, I have visited a few sanctuaries recently and I was rather shocked to see a certain thing in the Bharatpur sanctuary where buildings were put up near the sanctuary. It looked as if some cement concrete building were required for this sanctuary. The Minister sitting here, who comes from that State, would have also noticed this. Not only that even before this, the Prime Minister had passed some remarks about this. She was not happy to see that the natural surroundings were being treated in this way. It is not the way to look after

the animals. We do not know how to preserve the nature. But these things are happening in our sanctuaries. I am not saying that this is happening everywhere. I come from Maharashtra and I know about Karnataka also where they are looked after very well. Even the structures which are put up are in harmony with nature. But in some other places, this does not come about. That is why I have moved this amendment. I hope it will be accepted.

SHRI KARTIK ORAON: I am grateful to Mr. Daga for the sentiments he expressed towards the tribal people. My amendment seeks to add a proviso to clause 10 saying:

"Provided that such an endeavour shall not go against the interest of, or is detrimental to the tribal forest dwellers."

I made a reference to this when I participated in the general discussion also. Intervening in the debate on 27th October, 1976, the hon. Prime Minister assured the tribals through this House that their interests will be very well looked after. We have no doubt that she has the greatest interest in the welfare of the weaker sections, particularly scheduled tribes, for whom she has evolved a sub-plan, which is a moving force for their development and shall remain a living memory for the tribal community for all times to come. We are aware of her interest, but she has to function through the State Governments who in some cases may not be able to understand the letter and spirit of her designs. To cite an instance, I had the opportunity of attending the conference of Chief Ministers on 13th October, 1976 by the courtesy of the Home Ministry where there was a discussion about the sub-plan. When forest produce was being discussed, I drew the attention of the Chief Ministers to a resolution adopted at the conference of State Ministers in charge of Backward Classes Welfare held at Vigyan Bhawan on 19th and 20th April, 1975, wherein it was said:

"A tribal should have unfettered and unqualified right to collect the

minor forest produce. If there are any procedural or legal difficulties, they may be sorted out immediately. There should be a remunerative minimum price for each item of minor forest produce and its marketing should be arranged either through the department or through a cooperative society or Corporation."

One of the Chief Ministers said that this government had reserved the forests and taken over the reserved forests and this question should not arise. I had to tell him, you might as well reserve and take over the tribals! We cannot forget the fact that the scheduled tribes are being exploited right, left and centre because the forests have been reserved, nobody can get in and the forest officers and revenue officers are harassing the tribals to such an extent which does not see the light of the day. Therefore, I have moved this amendment which is very important because the State Governments are not fixed in their mind as to the approach to the welfare of scheduled tribes so far as forests are concerned. I have no objection to the preservation of wild life, birds, etc., but they should also look after the interests of scheduled tribes and see that nothing is done to deprive them of the facilities that are tied up with their daily life in the forests. Therefore, I hope the minister will accept my amendment, if he is tribal-minded and believes in the welfare of the scheduled tribes.

श्री भारद्वाज राय : उपाध्यक्ष जी, खंड 10 में हमारी पार्टी की तरफ से एक संशोधन पेश किया गया है। इस खण्ड में हम एक नई पंक्ति जोड़ना चाहते हैं :

"और पर्यावरण के प्रदूषण को रोकने के लिए पर्याप्त और प्रभावी उपाय करेगा।"

इस में और मुल खण्ड में जो सरकार की ओर से पेश किया गया है बल्कि हमारा संशोधन उसको और मजबूत करता है और आगे

[श्री शारखण्डे राय]

बड़ाता है। मैं समझता हूँ कि सरकार को या मंत्री जी को इसके मानने में कोई दिक्कत नहीं होनी चाहिये।

जहाँ तक वन का प्रश्न है, मान्यवर किसी भी देश में 35 फी सदी क्षेत्र में जंगल होने चाहिए—यह मत बहुतों का है। इस समय हमारे देश में 15-17 फी सदी क्षेत्र में जंगल हैं। इससे आगे हम नहीं पहुँच सके हैं। बल्कि स्वतन्त्रता के बाद से इतने बड़े पैमाने पर हमारे देश में जंगल काटे गये जितने बड़े पैमाने पर जंगल लगाये नहीं गये। जंगल काटने और लगाने का अनुपात हमें संतुलित रखना चाहिए। जंगलों के लगाये जाने से वन्य जंतुओं की रक्षा होती है। इनकी रक्षा तभी हो सकती है जब जंगल बड़े पैमाने पर लगाये जायें। जंगलों के लिए जरखेज जमीन का इस्तेमाल नहीं किया जा सकता क्योंकि हमारे यहाँ लाखों, हजारों भूमिहीन लोग हैं जिनको जमीन चाहिए। पर्वतों के ढलानों पर जहाँ पर उपज आसानी से नहीं हो सकती वहाँ पर बड़े पैमाने पर, राष्ट्रीय अभियान चला कर के जंगल लगाये जा सकते हैं। उपाध्यक्ष जी, आप तो उसी भूखंड से आते हैं, आपको तो इसका अनुभव है।

मान्यवर, मैंने देखा है कि हरियाणा और पंजाब में भूमृतसर से दिल्ली के किनारे तक सड़को के दोनों ओर शीशम, बबूल या यूक्लिप्टस के पेड़ लगे हैं। ये स्ट्रीप फोरेस्ट्री या फार्म फोरेस्ट्री के अन्तर्गत लगाये गये हैं। यह चीख पूरे देश में की जा सकती है और इसके लिये एक अभियान चलाया जा सकता है। इससे हमें लकड़ी मिलेगी, इससे जानवरों की रक्षा होगी और उन्हें चरागाह मिलेगा और लोगों को छाया भी मिलेगी। इस राष्ट्रीय नीति से जंगलों को भी बढ़ावा मिलेगा।

मान्यवरों, हमारे देश में रेलवे के किनारे जो जमीनें थीं उन पर पूरे देश में चराई होती थी, ये जमीनें चराई के काम आती थीं।

कन्तु नये आदेश के मुताबिक रेलवे किनारे की सारी जमीन उन गांवों के लोगों को दे दी गयी जिनके गांव या घर उनके सामने पड़ते हैं। ये लोग वहाँ खेती करते हैं। इसका परिणाम भीषण हो रहा है। आप देश के किसी भाग में चले जाइये। सड़कों के किनारे खड़े पेड़ों को चरवाहे या जानवर पालने वाले लोग टूट कर देते हैं, उनकी पतियां तोड़ देते हैं क्योंकि उनको चरागाह के लिये जमीन नहीं मिलती। बेरहमी से सड़कों के किनारे के पेड़ों को तोड़ा जाता है, उनको विनष्ट किया जाता है। शायद ही देश में कोई ऐसा कानून है या प्रावधान है जिसके अन्तर्गत सड़कों के किनारे के पेड़ों की रक्षा की व्यवस्था की जा सके। अगर कानून में ऐसी कोई व्यवस्था है तो उन पर अमल नहीं होता। इसलिये विनाश को बचाने हेतु रेलवे लाइन के किनारे की जमीनों को चरागाह के लिये पुनः छोड़ देने पर विचार होना चाहिए। इन जमीनों को चरागाहों के रूप में छोड़ दिया जाना चाहिए। सड़कों के किनारे जो पेड़ होते हैं उनसे बहुत लाभ होता है।

मध्य प्रदेश, उत्तर प्रदेश, राजस्थान तीनों प्रदेशों में चम्बल के जो बीहड़ हैं इनमें बीस लाख से अठ्ठाइस लाख एकड़ तक जमीन है। उसके बारे में हमारे भूतपूर्व राष्ट्रपति डा० राजेन्द्र प्रसाद जी ने कहा था कि इसके लिए राष्ट्रीय स्तर पर अभियान चला कर इस जमीन को समतल बनाकर उसे जरखेज और उपयोगी बनाया जाय। उनका कहना था कि बमों के जरिये इस जमीन को बराबर करके, मशीनों के जरिये इस जमीन को बराबर करके ठीक किया जाये। लेकिन आज तक इसके बारे में राष्ट्रीय स्तर पर कोई काम नहीं हुआ। 28 लाख एकड़ जमीन बेकार पड़ी है। डाकुओं और ऐसे ही दूसरे लोगों के छिपने के काम में यह जमीन आती है। उस जमीन को हम बराबर कर के काम में ला सकते हैं। जो जमीन खेती लायक हों

उ. को खेती के काम में लायें, जो कंकरीली, पथरीली हो, उसमें जंगल लगाये जा सकते हैं। अगर इस तरह से जंगल बढ़ायेंगे तो वन्य पशुओं को सुरक्षा मिलेगी और मानव जाति और प्रकृति के बीच संतुलन कायम हो सकेगा।

मान्यवर, जो दूसरा संशोधन हमारा है वह मूलभूत है। मैं चाहूंगा कि सरकार को हमारी तरफ़ीम पर ज़रूर और करना चाहिए और सोचना चाहिए कि निदेशक सिद्धान्तों पर कितना अमल हो रहा है। इस पर अमल जिलों में या प्रदेशों में किया जा रहा है या नहीं, इस पर अगर सरकार की निगाह नहीं रहेगी तो सारे सिद्धान्तों और कानूनों का कोई मतलब नहीं रहे पायेगा। इनका कोई अर्थ नहीं रहेगा।

हम यह चाहते हैं कि डाइरेक्टिव प्रिंसिपल्स को किस तरह से लागू किया जा रहा है, किस तरह से इनको अमल में लाया जा रहा है इस पर डेमोक्रेटिक कंट्रोल होना चाहिये। हमारे साथी श्री इन्द्रजीत गुप्त ने इस पर जोर दिया है। डेमोक्रेटिक कंट्रोल गवर्नमेंट एडमिनिस्ट्रेशन और मशीनरी का होना चाहिये। बहुत दिनों से यह आवाज़ उठ रही है। इसके लिये संसद और राज्यों के विधान मण्डलों की अलग-अलग समितियाँ होनी चाहियें जो समय-समय पर देखें कि इस डाइरेक्टिव प्रिंसिपल्स को लागू किया जा रहा है या नहीं, कितना। इनका दुरुपयोग हो रहा है, कितना सदुपयोग हो रहा है, कितना उपयोग हो रहा है।

उपाध्यक्ष महोदय, मोसा तथा डी आई आर का किस तरह से दुरुपयोग हुआ है, इससे हम सब परिचित हैं। बहुत से नज़ीरें भी उसके सम्बन्ध में यहाँ पेश की गई हैं। मैं उनमें दो चार ही जोड़ सकता हूँ। आप को तो मालूम है ही कि हमारी पार्टी के उत्तर प्रदेश, बहराइच जिले के एक विधायक साधो कज़लुल रहमान को मोसा में गिरफ्तार किया

गया है। श्री सरजू पांडे ने उसकी चर्चा की थी और बताया था कि वह बोले कुछ थे और नोट कुछ और कर लिया गया, कुछ जान बूझ कर और कुछ अनजाने में। गलत रिपोर्ट कर दी गयी और इसका नतीजा यह है कि वह मोसा में बन्द है। उत्तर प्रदेश के सोतापुर जिले के हमारे पार्टी सेक्रेटरी श्री छोटेलाल केवल इसलिए बन्द हैं मोसा में कि उनके वहाँ स्थानीय जमींदार जिसने उन जमीनों को जो सीलिंग से निकली हुई थीं, चुरा कर रखा हुआ था, जिन को वह बांटने नहीं दे रहा था पुलिस की मदद से और अपने पास रखे हुए या उसके खिलाफ आवाज़ उठाई, लड़ा। वह डी० एम० से मिला। नतीजा यह है कि वह मोसा में बन्द है।

बलिया 1857 के गदर और 1942 के विद्रोह के लिये प्रसिद्ध हैं। मंगल पांडे वहीं के थे जिन्होंने हिन्दुस्तान में प्रथम क्रान्ति की ज्वाला जगाई थी। वहाँ हमारी पार्टी के ज्वायंट सेक्रेटरी दीना नाथ सिंह आज मोसा में बन्द है इस आरोप में कि एक स्पीच उन्होंने की जो आपत्तिजनक थी। खुद हमारे अपने आजमगढ़ जिले में जहाँ से श्री चन्द्रजीत यादव आते हैं जो मंत्री हैं श्री रामधन भी वहीं से हैं पांच आदमी हमारी पार्टी के बन्द हैं डी आई आर में केवल इसलिए कि एक स्थानीय कांग्रेस नेता का जो उसी गांव का है उसके साथ वे स्थानीय झगड़े में फँस गये थे, जमीन जायदाद के, घर के, बाहर के आगे पीछे की जमीन के झगड़े में फँस गये थे। उसको लेकर उनको डी आई आर में बन्द कर दिया गया है। हमारा किसी के साथ झगड़ा है या किसी का हमारे साथ झगड़ा है तो क्या इसका मतलब है कि उसके या हमारे कहे पर किसी को जेल में डी आई आर के अन्दर बन्द कर दिया जाए। यह अनाचार है जो इस तरह के कानूनों के तहत किया जा रहा है।

[श्री शारङ्गदे]

17 तारीख की बात है। झांसी में मेरी एक विशाल सभा हुई। प्रेस सम्मेलन मैंने किया। उस सभा की ओर प्रेस कान्फ्रेंस की कार्रवाई को इस प्रकार सेंसर किया गया, इतना सख्त सेंसर किया गया कि अखबारों में यह तक नहीं निकलने दिया गया कि सी पी आई की एक मीटिंग हुई है जिसमें फलों फलों आदमी बोले हैं। श्री उदित नारायण शर्मा जो मेरे साथ संविद सरकार में मंत्री थे और बाद में बहुगुणा जी की कांग्रेसी सरकार में मंत्री थे उनको भीसा में इसलिए बन्द करके रख दिया गया है कि उनका अपने जिले के एक प्रमुख कांग्रेसी नेता और आज माल मंत्री से झगड़ा है जो एक प्रभावशाली मिनिस्टर हैं। शर्मा जी सोशलिस्ट पार्टी के चेयरमैन थे। वह कभी साम्प्रदायवादी नहीं रहे हैं, वह कभी अराष्ट्रीय नहीं रहे। वह भीसा में बन्द हैं। मैं बहुत ही तकलीफ से यह रहा हूँ कि कांग्रेस संसदीय पार्टी के महा मंत्री श्री राम घन जिनको आप जानते हैं कि मेरे जिले के हैं, उनकी राजनीति से मुझे कोई मतलब नहीं है, वह साम्प्रदायिकतावाद के विरोधी रहे हैं और हैं, क्या यह उचित है कि ऐसे आदमी जिसके परिवार में, सगे सम्बन्धियों में तीन तीन मौतें हो गई हों उनकी पैरोल तक की दरखास्त रिजेक्ट कर दी जाए। यह तब जब कि उस राजनीति के पिपहत्तलार श्री जयप्रकाश नारायण बाहर हैं, लोक सभा के मेम्बर पीलू मोदी जो सी आई ए का एजेंट अपने आप को कहते थे, वह घूम रहे हैं बाहर, चरण सिंह, बाजपेयी जी, श्री एस एन मिश्र सब बाहर हैं। दूसरी ओर श्री राम घन के पैरोल की दरख्तमस्त तक नामंजूर कर दी गई है जब कि उनके परिवार में, सगे सम्बन्धियों में तीन मौतें हो गई हैं। क्या यह इन कानूनों का दुरुपयोग नहीं है? इनका सदुपयोग होना चाहिये। इसलिये हमारा कहना यह है डायरेक्टिव प्रिंसिपल

के अमल का जहाँ तक सम्बन्ध है उस पर डेमोक्रेटिक कंट्रोल होना चाहिये। जो हमारा सुझाव है इसको आप जरूर मानें। मैं समझता हूँ कि डेमोक्रेटिक कंट्रोल नहीं होगा तो जो निस्स्यू है वह जारी रहेगा। उसको आप रोक नहीं सकेंगे। मंत्री जी या श्रीमती इंदिरा गांधी गांव गांव जाकर इंतजाम नहीं कर सकती है।

श्री शंकर दयाल सिंह : उपाध्यक्ष जी, मेरा 48 (क) में बहुत छोटा सा संशोधन है। हिन्दी की जो प्रति हमारे पास है उस में पर्यावरण शब्द छपा है जिस का अर्थ हमारी समझ में नहीं आया कि यह क्या शब्द है। मैंने संशोधन दिया है कि "राज्य देश की परम्परा एवं वातावरण की रक्षा तथा उस में सुधार करने का और वृक्ष, वन तथा वन्य जीवों की सुरक्षा का प्रयास करेगा"। मैंने दो शब्द इस में जोड़े हैं "परम्परा एवं वातावरण और दूसरा वृक्ष परम्परा एवं वातावरण की रक्षा करने से हमारा अर्थ यह है कि देश, राष्ट्र, समाज उन परम्पराओं के साथ जीता है, उन अनुभूतियों के साथ जीता है अपने इतिहास को सामने ले कर चलता है और उस का बोध करता है तथा गौरव का अभिमान उसे होता है।" डिल जवाहर लाल नेहरू जी जब कभी भी कोई भाषण देते थे तो देश की परम्परा, देश की मर्यादा, देश का इतिहास, आत्म-चेतना की अनुभूति सामान्य जनता तक जरूर पहुंचाते थे। आप ने जब राज्यों को इन सारी बातों के लिये रखा के लिये कहा है तो यह भी कहें कि वे परम्परा एवं वातावरण की भी रक्षा करें जिस से यह लग कि कोई भी भारतीय जब अपने को भारतीय कहे तो आप से आप उस को सुन कर गौरव से उन्नत हो जाय कि हम भारत के रहने वाले हैं जिस की परम्परा, इतिहास और जिस में महान व्यक्ति जैसे

महावीर, गीतम, अशोक और चन्द्र गुप्त जैसे बड़े-बड़े लोग पैदा होते रहे हैं।

उपाध्यक्ष महोदय, दूसरी बात जो मैं ने वृक्ष की कही है, वन से जैसा हमारे साथी अभी कह रहे थे जंगल और वृक्ष दोनों अलग-अलग चीजें हैं। जंगल तो अलग है जहां वृक्षों का समूह होता है। लेकिन उस में वन दिया, लेकिन वृक्षों का कुछ नहीं कहा। उस जंगल से लाभ हो, पशु पक्षी उस में रहते हों, लेकिन दूसरी ओर जहां एक अकेला पेड़ खड़ा रहता है वह लोगों को बहुत राहत देता है जितनी कि जंगल नहीं दे पाता। उस एक वृक्ष के नीचे कोई व्यक्ति चला जा रहा हो और गर्मी में लू में उसके नीचे अगर खड़ा हो जाता है तो जिन्दगी की एक सांस वह ले लेता है। और जंगलों में तो कोई पेड़ नहीं लगता, पेड़ों के समूह सरकार द्वारा लगाये जाते हैं। लेकिन कहीं पर अगर कोई व्यक्ति एक पेड़ लगा देता है बट या पीपल का तो उस के पीछे उस की अनुभूतियों लगी रहती हैं। हम लोग चूँकि गांवों से आते हैं इसलिए जानते हैं कि वहां वृक्ष लगाना एक पुण्य कार्य माना जाता था। और जब 5 सूत्री कार्यक्रम हमारे सामने आया है तो जैसे परिवार नियोजन की बात है ऐसे ही वृक्ष लगाना आवश्यक समझा गया है; ऐसी स्थिति में जब 25 सूत्री कार्यक्रम के संबंध में विचार करते हैं और गम्भीरता से उसे ले कर चलते हैं तो इसमें वृक्ष शब्द भी जरूर से जरूर जोड़ देना चाहिये।

इन्हीं छोटें संघोषनों के साथ मैं सरकार से कहूंगा कि आप इन बातों को इसलिये मान लें कि एक वृक्ष शब्द के लगा देने से आप का अमेंडमेंट पूरा हो जायेगा।

SHRI K. PRADHANI: Mr. Deputy-Speaker, I support Clause 10 which proposed the introduction of the new article 48A in the Constitution. I support it because the development of forests can help attract good rainfall, in preventing soil erosion etc. When we discuss forests and wild life, we cannot forget the tribals who are part and parcel of forest life.

I would like to bring to your notice that the tribals make their livelihood from the forest produce, by shifting cultivation, cutting forests and also by killing wild animals. There are some tribals who are living in the Andaman who do not know what is cultivation. They simply live on the produce of the forests, honey and by hunting these wild animals. There are different forest rules in different States. They do not know them due to their backwardness and ignorance. I do not plead that any blank cheque should be given to them but I feel that it is necessary that the Government should make some lenient laws for their development. They should make some alternative arrangements when these forest laws are applied to them.

In different States and especially in my own State of Orissa where the forests are reserved, these tribals cultivated their lands, they were taken to plains in special cases and are settled there by giving them some houses, land, agricultural implements, etc. Now, when we put this article in this Directive Principle 48A, I feel and apprehend that these forest laws, which may be enacted in the future, may be made more stringent and these laws will just work against the economic conditions of the tribals regarding these forest rules. Therefore, I would request the hon. Minister to accept my small amendment where I have just added one phrase that the development of forests and wild life should be done without any injury to the tribals.

[Shri K. Pradhani]

According to Article 46 of the Constitution, the State is responsible for the economic and educational development of the tribals. When these rules go against their economic conditions, Government should make some alternative arrangements to help them and then apply these for set rules. I request the hon. Minister to sympathetically consider my amendment.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I would like to support my colleague Shri Jharkhande Rai. I would like to speak on my amendments Nos. 458 and 459 moved on behalf of our group.

The first one is very important. To say that the State shall endeavour "to protect and improve the environment" is not sufficient. In our country, the question of environmental pollution has become very important. In a country where industries are growing, this has become a more and more important issue. For instance, the Minister himself comes from Kerala. He knows what has been happening in Mavoor; what has been happening to the Birla Concern, Gwalior Rayon and the effluents affecting people; and what has been happening to the vegetation? What has been happening to the people who are living there, because there has been no protection against environmental pollution?

You are building day by day new cement factories. But when the cement companies are told that it is necessary for them to have certain devices in the chimney to stop dust pollution and so on, they do not do it because that will affect their profits. Let us come to Madukkarai. There is one of the oldest ACC factories where very good cement is produced. If you go there you will find layers of dust which are like a fog in Delhi in the winter. This is affecting seriously the people in that area who develop lung complications. Have a look at the streets of Delhi. There is a lot of

diesel fume about that we have to consume because your buses are not being looked after properly; their maintenance is not attended to there. Unless legislation is undertaken to make it incumbent on the part of the various transport operators to take these precautionary safety measures that are there in the international experience and in the experience of our country, all these things will absolutely come to naught.

It is because your environmental pollution will catch up. About all those who have been talking about the wild game sanctuaries that have to be protected, I say, the sanctuaries will be there but we will not be there to enjoy the joys of those sanctuaries unless you do something about environmental pollution.

The Prime Minister attended the U.N. Conference on Environmental Pollution at Stockholm. She made a philosophical statement. We support that. But it is not enough only to make a philosophical statement. It is necessary to take action on this. I do not know why you are allergic to these amendments that will help you to make the legislation effective and to protect our people and our country with the same concern of protecting the trees and protecting the wild animals in this country.

The second amendment is about appointing a Standing Committee of Parliament and of State Legislatures to keep a watchful eye, a vigilant eye, on the implementation of the Directive Principles of the Constitution. Here, we are discussing an amending Bill which I am sure we are going to pass without any amendment unless you have second thoughts. If this Article is introduced in the Constitution, that will make it incumbent on the Parliament and the Government to take steps in order to fulfil the aspirations of the people and implement the promises that have been made to the people.

The hon. Minister, while replying on the question of collective bargaining, said that the Industrial Disputes Act is there. You can do this and that. I wish he had something to do with the Act. May be, before he became the Minister, he appeared against the workers. I do not know if he had anything to do with the trade unions or knows the elements of trade-unionism. Very often, for years on end, disputes remain pending before the Conciliation Officer because the employer does not turn up for the conciliation proceedings. Therefore, in order to make sure that the employer does not get away by making use of the loopholes in the law, and he is brought to book, we want this amendment. It is no good saying to the workers, "You have got this right or that right." Take away the rights that you have given to the employer in order to implement and safeguard the rights of the workers.

With this end in view, we have suggested that there should be a Standing Committee of Parliament and of State Legislatures in order to see that there are no distortions, no excesses, no curtailment of the rights of the workers and also to see that *Kumbhakaran* in the form of the Government is woken up from time to time. Otherwise, you just pass a Bill and then go to sleep. Who is to wake you up? Let us have a Standing Committee of Parliament which will sound the cymbals and wake up the Government to do the job. Only empty promises, philosophical statements and lectures are not going to help the people and this country to go forward towards socialism and to help our country to overcome poverty, ignorance and ills that have arisen after years of colonial domination. Even after 27 years of Independence, the experience of our Parliamentary democracy has shown that Parliament has got to be vigilant on the Directive Principles of the Constitution and that we should know what is happening.

Take, for example, land reforms. We were told that the land reforms measures would be completed within one year. What has happened? It is not only the courts that are coming in the way; it is not only the vested interests that are coming in the way. There is something in legislation also that has to be looked into. The actions of the bureaucracy and the executive have to be supervised. You made a promise to the public that in one year, the land will belong to the tiller. One year has gone by. Nothing has happened. So, we want to make sure that in future, the promises made by the Government will be translated into action and not remain just in the empty air combining with environmental pollution.

DR. V. A. SEYID MUHAMMAD: Certain amendments have been moved to Clause 10. I shall try to reply to some of them briefly and, as all of them converge on certain points, I may not have to deal with each of them.

Regarding the comments which were made, while moving her amendments Mrs. Parvati Krishnan used a number of adjectives. Since adjectives are not relevant for the purpose of a legal proposition, I ignore them.

Secondly she raised a question or, rather made a statement that I have appeared for employers. Records are there but I do not desire to bring those records before her party to get a certificate that I am a progressive.

Coming to the points raised, the the point was made by Mr. Daga that the expression 'endeavour' should be substituted by 'legislation'. But actually that word is much wider than the expression 'legislation' because it includes legislation as well as any other steps which the Government may take. It is not confined to only one step which the Government may take, namely legislation; they may have to take executive action

[Dr. V. A. Seyid Muhammad] and various other measures. So, this is a wider expression and I don't think it is necessary to confine it only to legislation.

Regarding the apprehension raised about the after effects or bad effects which will follow improvement in forestry and other wild life, the Prime Minister, while intervening yesterday, removed those apprehensions and explained that there is no need for such apprehensions. On the other hand, the Prime Minister said that the improvement of wild-life and forests will genuinely lead to a betterment of the conditions of the tribal people. So, in view of assurance given by her, I don't think I need give any other assurance.

Another suggestion has been made by Mr. Nimbalkar. He said that when he visited the Bharatpur sanctuary, he found certain buildings constructed all round. But we have the expression 'environment and wild-life'. So, that will cover the sanctuaries and similar things. It is not necessary to say in detail in the Directive Principles that buildings should not be constructed and various other things will not be done. The general mandate to the States will include all these things.

DR. HENRY AUSTIN (Ernakulam): The hon. Minister knows that in his own constituency all kinds of chemical products etc. are causing a great ecological problem, particularly those thrown out by industries to the Marine life. There should be provision to stop this.

DR. V. A. SEYID MUHAMMAD: Regarding the amendment which has been brought by the CPI, improvement of the environment is already there and the 'endeavour' to improve the environment. So it is not necessary to explain it further. The details will be worked out by the appropriate legislation.

I don't think I need reply to any more points. I may only say that even though some of the ideas expressed are good, since it is the Directive Principles which are before us, the details need not be filled in in this Article.

श्री जांबवंत बोटे : कुछ ट्राईव्ड जो जंगलों में रहते हैं और जिनका जीवन ही वन और वन्य जीवों के ऊपर है जैसे पारखी है, उस के बारे में अमेंडमेंट मूवा हुआ है। जो लोग जंगल से डिस्प्लेस किये जायेंगे जिसे के खाने का सवाल पैदा होगा उन की क्या पोजीशन है ?

MR. DEPUTY-SPEAKER: He has replied to that.

श्री जांबवंत बोटे : इस संबंध में एक अमेंडमेंट आया था जिस का जवाब मंत्री जी ने नहीं दिया है।

MR. DEPUTY-SPEAKER: Order. You cannot participate in this way. That stage is over. Those who had moved their amendments had made their submissions and the Minister has replied. You cannot just get up and start making a speech. There is a certain procedure. If you go on in this way, it will be difficult. We are already very much behind the schedule. You have put the question; you have made the point about safeguarding the interests of the tribals who live in forests. The Minister may reply, if he wants.

DR. V. A. SEYID MUHAMMAD: I have already replied to that. Yesterday when the Prime Minister intervened, she assured the house, when a similar question was raised, that there was nothing to be apprehended about the after-effects of the improvement of forests and wild life. She has given an assurance about that. She has also said that forests and wild life will necessarily lead to better conditions for tribal people. (Interruptions)

SHRIMATI PARVATI KRISHNAN: What about the Standing Committee of Members of Parliament to review the progress of implementation of the Directive Principles? It will strengthen the democratic process. (Interruptions)

MR. DEPUTY-SPEAKER: Everybody cannot speak in this way. I have closed it. If he wants to give any reply, he can. If he does not want to, then I cannot compel him.

We go on to Clause 11.

Clause 11

(Insertion of new Part

IVA—Fundamental Duties)

SHRI BIBHUTI MISHRA: I beg to move:

Page 4,—

after line 24, insert—

“(ff) to observe celibacy in the interest of family planning and to abstain from excessive consumption of alcohol;” (4)

SARDAR SWARAN SINGH SO-KHI: I beg to move:

Page 4,—

after line 33, insert—

“(k) to have limited property rights;

(l) to have compulsory military training;

(m) to have ceiling on expenditure.” (6)

Page 4,—

after line 33, insert—

“(2) Violation of any fundamental duty shall be punishable under the Indian Penal Code.” (29)

SHRI B. R. SHUKLA: I beg to move:

Page 4,—

omit lines 13 and 14. (46)

Page 4, lines 26 and 27,—

omit “and to have compassion for living creatures”. (52)

Page 4, line 30,—

omit “and to abjure violence”. (55)

Page 4,—

for lines 13 and 14, substitute—

“(b) to adhere to and observe the principle of purity of means as well as the purity of end in his social, political and economic dealing;” (83)

SHRI BIBHUTI MISHRA: I beg to move:

Page 4,—

after line 33, insert—

“Special duty of holders of public offices.—51B. It shall be the special duty of every member of the Council of Ministers either of the Union or of the States, and every person holding an office under the Government or every member or office bearer of any public institution to protect and safeguard interests of the country and abstain from doing anything which jeopardises or is likely to jeopardise the economic, social or political interests of the country in any manner whatsoever.

51C. It shall also be the duty of every member of the Council of Ministers and every officer of the Government responsible for taking decisions in matters relating to policy of the Government or internal administration of the Government or Departments to abstain from consuming alcohol in any public place whether called as such or private.” (84)

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

Page 4,—

after line 10, insert—

“(a) irrespective of caste, creed, religion or sex to participate in secular PRAYER which shall be recited in all educational institutions, public meetings and public places;

(b) holding a public office, in public services, in politics, or administration to observe absolute PURITY and to that end publicly declare his assets after the passing of the Constitution (Forty-Fourth Amendment) Act, 1976 and shall continue to declare his assets publicly every half yearly;

(c) to ensure absolute PEACE and it shall be his duty to immediately report any likelihood of breach of peace;

(d) to ensure fullest PARITY in all Government services, public undertakings and in public employments and in political engagements and he shall not in any manner indulge in nepotism, favouritism on any account;

(e) in every position to do his best to further PRODUCTION and he shall not in any manner hamper or disturb by any act directly or indirectly to affect PRODUCTION;

(f) to respect family planning;” (172)

DR. KAILAS: I beg to move:

Page 4,—

after line 33, insert—

“(k) to promote and practise family planning transcending any religious feelings for the quick development of the country as a whole.” (217)

SHRI ARJUN SETHI: I beg to move:

Page 4, line 30,—

after “violence” insert—

“and to abjure casteism in all forms” (225)

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

Page 4,—

after line 33, insert—

“(b) to cast a vote at the time of election if the law permits” (238)

SHRI K. SURYANARAYANA: I beg to move:

Page 4,—

after line 33, insert—

“51B. Failure to discharge the above fundamental duties, and actions in violation of these duties shall be punishable under the Indian Penal Code, as may be amended for this purpose.” (239)

SHRI MD. JAMILURRAHMAN: I beg to move:

Page 4, line 15,—

after “sovereignty” insert—

“, dignity” (295)

Page 4, line 24,—

add at the end—

“, heritage and culture of the minority” (296)

Page 4,—

after line 33, insert—

“(k) to pay taxes according to law.” (297)

Page 4,—

after line 33, insert—

“Provided that violation of any of the fundamental duties shall be punishable under the Indian Penal Code.” (298)

SHRI EBRAHIM SULAIMAN SAIT:
I beg to move:

Page 4, line 22,—

for "Women" substitute "Individuals". (306)

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

Page 4, line 20,—

after "religious," insert "Caste" (321)

Page 4, line 23,—

after "our" insert "ancient and" (322)

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

Page 4, line 11,—

omit 'ideals and' (336)

Page 4,—

after line 33 insert—

"(k) to follow the national policy on family planning." (337)

SHRI K. NARAYANA RAO: I beg to move:

Page 4, lines 19 and 20,—

for "brotherhood" substitute "fraternity". (351)

SHRI EBRAHIM SULAIMAN SAIT:
I beg to move:

Page 4,—

after line 33, insert—

"(k) to avoid any interference in any religion or faith in the country and to assist and cooperate in protection of personal laws of different religious entities." (353)

SHRI K. NARAYANA RAO: I beg to move:

Page 4,—

after line 33, insert—

"51B. It shall be duty of every foreigner in India—

(a) to respect the Constitution, the laws, the National Flag and the National Anthem of India;

(b) to respect the sovereignty, unity and integrity of India; and

(c) to resolve against spying, sabotage and smuggling." (354)

SHRI KARTIK ORAON: I beg to move:

Page 4, line 17,—

after "country" insert—

"undergo compulsory military training for two years at the age of eighteen or on completion of education" (380)

Page 4, line 20,—

after "religious," insert "racial" (381)

Page 4, line 21,—

after "linguistic" insert "caste" (382)

Page 4, line 23,—

after "composite" insert "and ancient" (383)

Page 4, lines 25 and 26,—

after "Including" insert "hills," (384)

Page 4, line 26,—

after "wild life," insert "mineral and forest wealth" (385)

[Shri Kartik Oranon]

Page 4, line 31,—

after "excellence" insert "and perfection" (386)

Page 4,—

after line 33, insert—

"(k) to protect and promote the interest of the weaker sections of the society and refrain from exploiting them in any form." (387)

SHRI JAMBUWANT DHOTE: I beg to move:

Page 4, line 9,—

for "FUNDAMENTAL DUTIES" substitute—

"FUNDAMENTAL DUTIES OF A CITIZEN AND A FAMILY" (403)

Page 4,—

for lines 11 to 33, substitute—

"(a) to use swadeshi and indigenously manufactured goods only;

(b) to undergo military training in the armed forces for one year in case of a student/youth who attains the age of seventeen years;

(c) to learn how to read, write and speak 'Hindustani' language;

(d) not to keep more than one house for one family;

(e) not to have either in cash or in a bank (Indian or foreign) an amount exceeding Rs. 25,000;

(f) not to keep cash, jewellery, gold, silver, diamonds, pearls, jewels etc., in safe deposit vault either in his name or in the name of a member of his family;

(g) not to keep gold exceeding ten tolas in the form of ornaments or in any other form in

case of a female and not to wear any ornaments made of gold in case of a male;

(h) to surrender to the Government cash, gold and jewellery in excess of the ceilings;

(i) to transfer immovable property exceeding the ceiling to the Government through a testament or any other instrument;

(j) to adjure vice;

(k) to consider his foremost duty to build a clean, perfect and ideal character while translating into practice the aforesaid ten duties of a citizen and family." (404)

SHRI PRIYA RANJAN DAS MUNSI: I beg to move:

Page 4,—

after line 33 insert—

"(k) to get pass marks in the history of national struggle for independence in respective stages and volumes as specified by the legislation or guidelines of the Education Ministry, in all academic examination and in all faculties from minor to graduate degree and in all competitive examinations like PSC, UPSC and IAS;

(l) to set compulsory military training in school and college level for able youngmen;

(m) to get compulsory physical culture and sports in all spheres of the youth and students." (409)

SHRI DINESH CHANDRA GOSWAMI: I beg to move:

Page 4, line 21,—

after "sectional" insert "caste and community" (431)

SHRI CHIRANJIB JHA: I beg to move:

15.00 hr.

Page 4,—

for lines 13 and 14 substitute—

“(b) to cherish the noble ideals which inspired our national struggle for freedom and while translating them in practice always adopt the path of truth and non-violence which was the sacred and fundamental mode of our national struggle;” (439)

SHRI INDRAJIT GUPTA: I beg to move:

Page 4,—

after line 33, insert—

“(k) to respect the dignity of labour and the democratic rights of the toiling people.” (460)

SHRI SHANKAR DAYAL SINGH: I beg to move:

Page 4, line 12,—

after “Flag” insert “, national language” (510)

Page 4, line 18,—

add at the end—

“and to be prepared for any service and sacrifice” (511)

Page 4, line 20,—

after “transcending” insert ‘caste,’ (312)

Page 4, line 26,—

after “lakes,” insert “birds,” (513)

Page 4, line 26,—

after “scientific temper,” insert—
“cultural decorum,” (514)

श्री बिभूमि मिश्र : उपाध्यक्ष जी, इस समय हम लोगों के सामने जो संशोधन आया है इस में फण्डामेंटल इप्टीज का चिह्न है। गांधी जी इस चीज का बत ज्यादा प्रचार किया करते थे, एक तरह से यह गांधी जी की बहुत प्रिय चीज थी। उस समय फैमिली प्लानिंग नाम की चीज नहीं थी, उन्होंने हम लोगों को ऐसे मार्ग पर डालने का प्रयास किया था, जिससे यह समस्या पैदा ही नहीं हो सकती थी। इसीलिये मैंने अपने संशोधन में कहा है—

Page 4,—

after line 24 insert—

“(ff) to observe celibacy in the interest of family planning and to abstain from excessive consumption of alcohol.”

इस में आप एक्सेसिव हटा देजिये तो मुझे कोई एतराज नहीं होगा, लेकिन कन्जम्प्शन आफ अलकोहल नहीं रहना चाहिये।

जहां तक मेरी वृत्तरी अमेंडमेंट का संबंध है— सं 84 अमेंडमेंट को देखिये—

Page 4,—

after line 33, insert—

“special 51B. It shall be the special duty of every member of the Council of Ministers either of the Union or of the States, and every person holding an office under the Government or every member or office bearer of any public institution to protect and safeguard interests of the country and abstain from doing anything which jeopardises or is likely to jeopardise the economic, social, or political interests of the country in any manner whatsoever.

श्री विजित मिश्र :

51C. It shall also be the duty of every member of the Council of Ministers and every officer of the Government responsible for taking decisions in matters relating to policy of the Government or internal administration of the Government or Departments to abstain from consuming alcohol in any public place whether called as such or private".

मैं चाहता हूँ कि सरकार मेरे इन संशोधनों को स्वीकार करे। इन संशोधनों के पीछे एक तथ्य है—आज फैमिली प्लानिंग का बहुत ज्यादा शोर मचा हुआ है, लोगों के अन्दर एक घबराहट फैली हुई है। अगर यह सरकार शु से ी ब्रह्मचर्य पर जोर देती, शराब पीने पर पाबन्दी लगाती तो फैमिली प्लानिंग की समस्या इस रूप में खड़ी न होती। लेकिन सरकार इस कर्तव्य में चूक गई। हम लोग आश्रम में रहे हैं, गांधी जी ने आश्रम में रहने वालों के लिये एकादशव्रत का प्रावधान रखा था, हम लोगों की सभा में रोज़ उन 11 बातों को कहा जाता था, जिन में ब्रह्मचर्य भी एक था। हम लोगों के जीवन में ब्रह्मचर्य का एक प्रमुख स्थान था। इसलिये मैं चाहता हूँ कि जब हम लोगों के लिये ड्यूटीज तय की जा रही हैं तो उस में ब्रह्मचर्य को भी रखा जाये। अब अगर सरकार इस बात को तय कर चुकी है कि कि इन के कैबिनेट मिनिस्टर और जो इन के सलाहकार हैं, वे लोग ही ब्रह्मस्पति और वाचस्पति हैं, तब तो हम को कुछ नहीं कहना है। प्रधान मंत्री अगर हां, कह देंगे तो हम भी हां कह देंगे, वे अगर ना कह देंगे तो हम भी ना कह देंगे। लेकिन मैं इस बात को मानने के

लिये तैयार नहीं हूँ कि जो एक बार मिनिस्टर बन गया, वह ब्रह्मस्पति और वाचस्पति बन गया, उस से कभी कोई भूल नहीं हो। इसलिये मैं चाहता हूँ कि सरकार इस पर गौर करे। एक बार हम लोगों को प्रदेश के संसद सदस्यों में बुलाया गया, इन पर विचार करने के लिये मीटिंग हुई सरदार रबंग सिंह जी हम लोगों की बात सुने। फिर उस के बाद आगे विचार करने के बारे में तय हुआ लेकिन उस के बाद पता नहीं क्या हुआ। मुझे यह कहना है कि जब आज हम सिटिजन की ड्यूटी तय कर रहे हैं तो फिर मिनिस्टर्स की ड्यूटी भी तय होनी चाहिये। यह ठीक है कि सिटिजन के लिये वे बातें कोई खास नहीं हैं, जैसे देशभक्ति है, जब भी मौका आया हर नागरिक ने अपनी देशभक्ति का सुबूत दिया है, लेकिन जो नौकरशाह हैं उनसे भी बहुत सी बातें निकल जाती हैं बहुत से सरकारी नौकरान देश में रहते हुए भी विदेशियों को सुचनार्यें, खबरें देते हैं। उन का इलाज बगेरह तो होगा लेकिन मेरा कहना यह है कि कांस्टिट्यूशन में उन के लिये प्रोबिजन होना चाहिये कि उन को कर्तव्यनिष्ठ रहना चाहिये और उन की क्या-क्या ड्यूटीज हैं यह भी होना चाहिये। आम सिटीजन्स के लिये तो आप ने संविधान में ड्यूटीज रख दी लेकिन उन के लिये नहीं रखी हैं। आम सिटीजन्स के दाय में कोई ताकत नहीं है और अगर वह कोई गलत काम करता है तो इन्डियन पैनल कोड में उन को पकड़ने के लिये कई दफायें हैं और बहुत सी चर्जे हैं। इसलिये मैं चाहता हूँ कि सरकार मेरी इस बात को कबूल करे और साथ ही मिनिस्टर्स के लिये भी ड्यूटीज हो। मैं मिनिस्टर का नाम लेने लाचार हूँ लेकिन मैं यह बताना चाहता हूँ कि ऐसे भी मिनिस्टर्स हैं जो कांग्रेस पार्टी के टिकट पर चुन कर आये और विरोधी पार्टी की वहाँ गवर्नमेंट बना

तो वहां चले गये और वहां जा कर गड़बड़ करते हैं। इसलिये मेरा कहना यह है कि मिनिस्ट्रों के लिये भी इयूटीज होनी चाहिये ताकि उनको यह पता चले कि उनको क्या क्या इयूटी हैं। आज तो उनको अपनी इयूटीज पता नहीं है। अगर पता होता तो मद्रास में सरकारिया कमिशन नहीं बैठता। इनलिये मैं कहूंगा कि इयूटीज हर मिनिस्टर के लिये होनी चाहिये।

डा० कलाल (बम्बई दक्षिण) : मंत्री और ब्योरोक्रेसी में जो व्यक्ति है वे भी देशवासी हैं। सब देशवासियों पर ये कर्तव्य लागू होंगे। मंत्री तथा नौकरशाही इस के बाहर नहीं हैं।

श्री विभूति मिश्र : डा० साहब जब मुझे नवज दिखानी होगी तब मैं आप के पास आऊंगा। मैं राजनीति में आप से सीनियर हूँ। आप मुझे इन्ट्रूट न कीजिये।

डा० कलाल : मैं तो कह रहा था कि मंत्री भी उस में आते हैं क्यों कि वे देश वासी हैं।

श्री विभूति मिश्र : मंत्री देशवासी जरूर है, मगर उन के पास फाइल जाती हैं और देश का भाग्य उन के हाथ में रहता है। उन के हाथ में ताकत है जब कि देशवासियों के हाथ में वह ताकत नहीं है। आप इस बात को समझिये कि एक मिनिस्टर में, सरकारी अफसर में और एक आम आदमी में बहुत फर्क है। इसलिये मैं कहता हूँ कि इन के लिये भी इयूटीज रीकॉस्ट होनी चाहिये। इस विधेयक के बनाने वाले कौन है। मंत्री परिषद् ने, सेन्ट्रल गवर्नमेंट ने और उन के एक्सपर्ट्स ने इसको बनाया है लेकिन मैं यह कहना चाहता हूँ कि बनाने से पहले उन को इस पर अमल भी करना चाहिए। गांधी जी किसी बात को कहने से पहले

खुद उस को करना शुरू कर देते थे। जब गांधी जी कोई सजाह देते थे तो उस से पहले वे उस पर अनन करते थे। जब आम जनता के लिए ये इयूटीज रख रहे हैं तो मंत्रियों के लिए भी रखें। ये आम जनता से सुगोखियर है और इस माइने में है कि इन के हाथ में अफ्रिन हैं और इन अफ्रिन के जरिये से यह देश का भला बुरा कर सकते हैं। इन्जिएन की इयूटीज बड़ी जबर्दस्त होनी चाहिए और उन को इन्हें अपने ऊपर एन्कोर्स करना चाहिए, सैल्फ-इम्पोज्ड ड्यूटियाँ हैं। संविधान में आम सिटीजन्स के लिए फंडामेंटल ड्यूटीज जिस तरह से रख रहे हैं, उसी तरह से सरकारी नौकरों और मंत्रियों के लिए भी होनी चाहिए। मैं आप को बताऊँ कि अशोक के राज्य में अगर किसी के घर में चोरी हो जाती थी और अगर चोर का पता नहीं लगता था, तो उस चोरी के माल की जितनी कीमत होती थी, वह सब पैसा अशोक की तनखाह से काट लिया जाता था। यह हमारी इन्डियन ऐंशियेंट हिस्ट्री है। इस तरह का लोगल एक्शन दुनिया में कहीं हुआ है और न ऐसा समाज ही मिलता है। हमारे कानून मंत्री गोबले जी हैं। गोपालकृष्ण गोबले का नाम और तिलक महाराज का नाम कौन नहीं जानता? वे सारे देश के हीरो थे। इसलिए मैं चाहूंगा कि गोबले जी मेरा एमेंडमेंट स्वीकार कर लें। अगर फीला कर हो लिया है कि हम स्वीकार नहीं करेंगे, तो मैं कुछ नहीं कहता। हम को आप का फ्रेंचला मानना पड़ेगा क्योंकि रघु रमैया जी ने 'हाँ' कह दिया, तो 'हाँ' करेंगे और 'ना' कह दिया तो 'ना' कहेंगे। लेकिन हमारा यह कर्तव्य है कि हम अपनी बात कहें। हमारे साथी कहते हैं कि क्यों बोलते हो। मैं कहता हूँ कि मिनिस्ट्रों की वजह से बहुत गड़बड़ होती है। आज बीस सूत्री कार्यक्रम का पालन इसलिए नहीं हो रहा है कि मिनिस्टर लोग नहीं चाहते हैं। . . . (व्यवधान) . . . मैं चाहता हूँ कि गोबले साहब मेरे एमेंडमेंट को स्वीकार करें।

सरदार स्वर्ण सिंह सोनी (जमशेदपुर) :

डिप्टी स्पीकर साहब, मैंने अमेंडमेंट फ्रेंडामेंटल इयूटीज के बारे में दी है कि पेज फोर में लाइन 33 के बाद ये जोड़ा जाय। इस पर पहली बात तो यह है कि यहां पर बहुत से मेम्बरों ने कहा है कि प्रापर्टी राइट को अबालिश कर देना चाहिए। अगर इसके अबालिश करने की बात नहीं होती तो इस पर सीलिंग तो होनी ही चाहिए। पहले भी मूवेबल और इम्यूवेबल प्रापर्टी की सीलिंग के बिल बने हैं। इसलिए मेरा अमेंडमेंट है कि प्रापर्टी पर सीलिंग होनी चाहिए। इसलिए मेरा मुसाम है कि मेरे इस अमेंडमेंट पर आप विचार कीजिए और इनको जल्दी से लिमिट करने की कोशिश कीजिए। नहीं तो क्या होगा हमारा सैक्युलरिज्म का, सोशलिज्म का जो विचार है वह बिल्कुल अबूरा रह जायगा। इसलिए मेहरबानी करके आप मेरे इस अमेंडमेंट "एट्टर्नेट लिमिटेड प्रापर्टी राइट" को देखिये और इसको भानिये।

दूसरे मैंने कम्पनी रीलिट्री ट्रेनिंग के बारे में कहा है। आंकड़ों के जानने में बचपन में ही मिलिट्री की ट्रेनिंग दी जानी चाहिए। गांवों में हों या शहरों में हों, लड़के-लड़कियों को यह ट्रेनिंग स्कूलों में ही दी जानी चाहिए। हमारे पड़ोसी मुल्कों में यह काम शुरू हो गया है। हमारे मुल्क के डिफेंस के लिए यह ट्रेनिंग बहुत जरूरी है। जब फोरन एग्जेशन होता है तो औरतों तक को हम ट्रेनिंग में ले जाते हैं। जब वह खत्म हुआ तो इन चीजों को भूल गये। ये सब चीजें लगातार होनी चाहिए। मिलिट्री की ट्रेनिंग से हेल्थ भी बनती है। आपने देखा होगा कि हमारे मिलिट्री के लोग कितने हेल्थी होते हैं। इससे फोरन एग्जेशन के बकस मुल्क का बचाव भी होता है। इसलिए मैंने इनको जोड़ने के लिए अमेंडमेंट दी है।

तीसरी चीज मैंने एक्टमेंडोवर पर सीलिंग लगाने के लिए कहा है। पैसे वाले जो लोग

होते हैं वे इतना रुपया खर्च करते हैं कि इससे गरीब लोगों को परेगानी होती है। वे किसी भी दुकान पर जाकर चीजों के मुंह मांगे दाम दे देते हैं और सामान लेकर चले आते हैं। वे लोग लाखों रुपये जाया करते हैं। इसका अनर हमारी इकोनोमी पर भी पड़ता है। इसका अनर छोटे लोगों पर भी पड़ता है क्योंकि छोटे लोगों को दुकानदार कम दाम पर सामान नहीं देता। इसलिए यह सीलिंग आन एक्टमेंडोवर बहुत जरूरी है। आप चाहे इंडोब्रिजुप्रल को देख लीजिए या कम्पनीज को देख लीजिए, कितना कितना पैसा वे खर्च करते हैं। एट्टर्नेटमेंट के नाम पर वे कितना हो पैसा खर्च कर देते हैं और हमारे गवर्नमेंट आफिशियल्स को भी करप्ट कर देते हैं। इसलिए इंडोब्रिजुप्रल के खर्च और कम्पनीज के खर्च के ऊपर आप बन्दिश लगाइये।

मैंने 29वें अमेंडमेंट में यह इंसर्ट करने के बारे में कहा है —

"Violation of any fundamental duty shall be punishable under the Indian Penal Code."

यह नयी क्लॉज इंसर्ट करना मुनासिब होगा। इसको मेहरबा तो करके बहुत ध्यान से देखें और इसको इसमें जोड़ें। इसकी वजह यह है कि अगर हम लोग समझते हैं कि लोग अपनी इयूटीज अपने आप समझने लगेंगे और उन पर अमल करने लगेंगे तो इन इयूटीज को रखने की जरूरत ही क्या थी। एक बात में जो कांग्रेस की कमेटी के चेयरमैन थे उनकी रिपोर्ट से पढ़ कर सुनाना चाहता हूँ। फ्रेंडामेंटल इयूटीज की मैं बात कर रहा हूँ।

"So far as their enforcement is concerned, in the first stage I think the people should get accustomed to understand that they are their duties. After some time a stage in our evolution might be reached

when it may be necessary even to have potential provision to punish any delinquent who fails to observe the duties."

This is what has been mentioned in Swaran Singh Committee's Report.

यह जो चीज है इसके लिए हमें इस बिल में सुधार करना जरूरी है। इन चीज को इनमें इंट्रू करना चाहिए और इनको करने में टाइम वेस्ट नहीं करना चाहिए।

मेरा सुझाव जो है वह यह है कि इसको आप पीनल कोड में लाएं। एमरजेंसी क्यों आपको लागू करनी पड़ेगी? चूंकि आपको इसको लागू करने में देर हो गई थी इसलिए आपको पता चला पड़ रहा है। जो बदमाश लोग होते हैं वे कुत्ते की दुम की तरह से होते हैं। कुत्ते की दुम को अगर आप पानी में रख छोड़ें और निकालें तो वह टेढ़ी की टेढ़ी रहेगी। जब तक आप पीनल प्राविजन को नहीं रखेंगे तब तक आपका काम ठीक तरह नहीं चल सकेगा। एमरजेंसी जिस तरह से लाने में आपको देर हुई है, वहां जो आपको यह करना पड़ेगा लेकिन तब देर हो चुकी होगी। इस बास्ते मेरो प्रार्थना है कि इस पर आप विचार कीजिये।

SHRI B. R. SHUKLA (Bahraich): Sir, uptill now there has been a sharp and wide controversy over directive principles and fundamental rights. By incorporating a new chapter prescribing fundamental duties of a citizen we are going to add further confusion to the already complex and complicated document which is our constitution. I have my own misgivings and reservations about the efficacy, utility and relevance of these fundamental duties. But in deference to the wishes of the majority of the members of this august House I shall confine my remarks to only a few of the duties.

Now, a duty which is provided under sub-clause (b) says that it is duty to cherish and follow the noble ideals which inspired our national

struggle for freedom. We know that there were some conflicting ideals which inspired our freedom struggle at different stages. Violence was resorted to by Chandrashekhar Azad as well as Bhagat Singh and other persons. It was Mahatma Gandhi who gave a new turn to the struggle by introducing the principle of nonviolence for attainment of swaraj. Now, if we adopt this as a duty for the citizen, it should be very confusing. Therefore, my amendment is brought forward to make it clear. I have said that for lines 13 and 14 we may substitute '(b) to adhere to and observe the principle of purity of means as well as the purity of end in his social, political and economic dealing'. Gandhiji has made his unique contribution to the social and political philosophy of the world by insisting on purity of means as well as purity of ends. Before Mahatma Gandhi came on the scene the philosophy all over the world, in every religion, in every clime, in every country, was that the end justified the means. Mahatma Gandhi gave a new emphasis on the purity of means. If we adopt this principle of purity of means and as well as that of ends of the founding-fathers of the nation, not founding-fathers of the constitution, in our daily walk of life, in our economic dealings, in our social dealings, in our political dealings,—if we scrupulously observe this purity of means, many of the evils which we see will be minimised, if not abolished altogether.

Coming to another duty, the duty is prescribed to have compassion for all living creatures. We know that rats, insects and pests are destroying our crops which are vital for our lives. Elaborate rules, elaborate procedures and elaborate means are adopted in order to boost up the agricultural production. How can the adoption of duty of showing compassion for all living beings help this? Therefore, my submission is that such types of religious and pseudo-ethnic jargons should not be introduced in prescribing the duty of a citizen.

[Shri B. R. Shukla]

Then, Sir, coming to sub-clause (i), it is sought to be provided that 'it shall be the duty of a citizen to safeguard public property and to abjure violence.' I agree that it is the duty of every citizen to safeguard public property. But, in safeguarding the public property, sometimes violence becomes necessary. It is one of the means by which the destruction to property can be put an end to. But, to use force, physical force, for the protection of property, for the protection of lives is justified under the I.P.C.

Here we are introducing that 'it shall be the duty of a citizen to safeguard public property as well as to abjure violence.' Therefore, my submission is that if you cannot avoid the incorporation of these duties in the Constitution itself, at least we should try to make it as clear and rational as possible.

SHRI S. N. MISHRA: Mr. Deputy-Speaker, Sir, I rise with a very heavy heart to move my amendment No. 172 to the proposed Art. 51 relating to the fundamental duties. I say heavy heart because the way the amendments are treated, I am certain, rather convinced that, even just, reasonable, proper amendments and those in the larger interest of the citizens are never being accepted when they are inconvenient to the Administration and the Executive. Today as never before even when we were slaves in bondage of the British or, during the period of Independent India, the bureaucrats are in much greater power and it is they and they alone who shape all our destiny, on the touchstone, that they should never be touched or affected. Each one of us here since long even yesterday has been condemning the bureaucrats but the pity is that each one of us including our hon. Minister has ignored their plans and continued to fall into their net what to talk of our unfortunate brethren in the Lok Sabha or Rajya Sabha. The bills are framed by their fraternity and my experience of this House is that our hon. Ministers have

to go by their advice and it is difficult to introduce any changes in the Bill without their briefing or consultation. I can rise and say that whatever may be the motive of our condemning the the judiciary and calling them a few generations behind, I can emphatically assert that by our condemnation of our independent judiciary, we are putting our democracy to ridicule and dragging it back to slavery and black days.

Democracy can only be built and sustain its existence on three wings—Legislature, Executive and Judiciary—and one cannot be treated as the grandfather and the other as the grandson. The Principle of checks and balances has to exist even if a farce of democracy has to be maintained.

The true test of what I say is that when the Parliament is supreme to legislate and the executive on that basis, search everybody, ask for correct disclosures of wealth and cry for cutting the rich and making them poorer for the poorer on principles of parity, why not those who man the executive, those who direct the executive, see the golden rule of believing in the fundamental principles, Prayer, Purity, Peace, Parity and Production which I called out from the teaching of our sages and Mahatma Gandhi? The reason is obvious—'shall Caesar's wife now cease to be above suspicion? If the Government or the bureaucrats who are in full command to-day are not prepared to accept my amendments, I shall have no regret but the inevitable presumption shall be that these amendments are most inconvenient to them. If these amendments are allowed, how can they make hay when the sun shines, how can they build palaces, grab lands and a mass unaccounted wealth and pocket all the privileges themselves? There can be no dispute that the Urban Ceiling was introduced for the benefit of the poor. But the UP Government, at the instance of these very bureaucrats, not the judiciary, have notified that the surplus land shall go first to Government servants.

Though I have expressed myself in very strong terms, I am sure that only the clauses which are wishful thinking would be accepted as fundamental duties and not what I have proposed. If the fundamental duties proposed by me had existed, the excellent 20 point programme of our dynamic Prime Minister would have brought heaven on earth and we would have had the Ram Rajya of Mahatma Gandhi. Posterity will judge whether the executive or the judiciary has stood in the way of the proper implementation of this programme.

May I just repeat my amendment?

"(a) irrespective of caste, creed, religion or sex to participate in secular PRAYER which shall be recited in all educational institutions, public meetings and public places;

(b) holding a public office, in public services, in politics or administration to observe absolute PURITY and to that end publicly declare his assets after the passing of the Constitution (Forty-Fourth Amendment) Act, 1976, and shall continue to declare his assets publicly every half yearly;

(c) to ensure absolute PEACE and it shall be his duty to immediately report any likelihood of breach of peace;

(d) to ensure fullest PARITY in all Government services, public undertakings and in public employments and in political engagements and he shall not in any manner indulge in nepotism, favouritism or any account;

(e) in every position to do his best to further PRODUCTION and he shall not in any manner hamper or disturb by any act directly or indirectly to affect PRODUCTION;

(f) to respect family planning."

Before I conclude, I would beg of my brothers here and the hon. Minister of Law to accept this amendment at least once ignoring the usual way. I press my amendment.

श्री० कैलास : उपाध्यक्ष महोदय, हम फंडामेंटल ड्यूटीज पर विचार कर रहे हैं। सरकार ने आर्टिकल 51 में (ए) से (जे) तक कुछ कर्त्तव्य लिखे हैं जिनके बारे में यह कहा गया है कि जनता के क्या कर्त्तव्य होंगे। मैं जब इन सब को पढ़ता हूँ तो इसमें साफ़ नजर आता है कि व्यक्ति को अपने चरित्र को स्वयं सुधारना होगा अर्थात् कर्त्तव्य किसी के दबाव से नहीं किया जाता।

पिछले 30 वर्षों के अनुभव से यह साफ़ सिद्ध होता है कि मनुष्य तभी अपने आपको ऊंचा उठा सकता है जबकि उसके ऊपर जबर्दस्ती न की गई हो पर उदाहरण के रूप में देश के नेता ठीक उसी प्रकार चलते हो, जो वे चाहते हैं या कहते हैं। आज जब हम देश की परिस्थितियों को देखते हैं और हम 20-सूत्री कार्यक्रम और 5-सूत्री कार्यक्रम के बारे में सोचते हैं और देश में समाजवाद की कल्पना करते हैं तो हमें यह सोचना चाहिए कि हम फ्रीमिली-प्लानिंग कुटुम्ब नियोजन को भी कर्त्तव्यों में निर्धारित कर दें जब यह कर्त्तव्यों में लिखा जायेगा तो देश में जो जुल्म और जबर्दस्ती व असह-अलग तरह के कायदों से परिवार नियोजन के कार्यक्रम पर धक्का लग रहा है, लोगों को डरा-धमका कर, पुचकारकर, प्रलोभन देकर जो काम किया जा रहा है, वह सब खत्म हो जायेंगे। अगर यह प्रत्येक व्यक्ति का कर्त्तव्य है तो परिवार नियोजन सफलता से कार्यान्वित होगा। सिर्फ़ एक ही कुंजी है कि मनुष्य का अपना चरित्र-बल बढ़ाकर ही देश को आगे बढ़ा सकेंगे।

श्री विभूति मिश्र ने यह भी कहा था, जो गांधी जी कहा करते थे, कि सैलीवेसी का पालन करना चाहिए। हम उन शब्दों को शामिल करने का प्रयत्न करें या न करें लेकिन आवश्यक यह है कि अगर देश की प्रगति करनी है तब देश में समाजवाद लाना है तो उसके लिये हमारी जनसंख्या वृद्धि अवश्य

[डा० कैलाश]

घटाई जानी चाहिए। इसके लिये यह आवश्यक हो जाता है कि इस खण्ड में (के) जोड़ कर रखा जाये। वह मैं पढ़कर सुनाता हूँ कि मैं क्या चाहता हूँ।

Page 4,—

after line 33, insert—

“(k) to promote and practise family planning transcending any religious feelings for the quick development of the country as a whole.”.

अगर यह (के) जोड़ दिया जायेगा तो मैं ऐसा मानता हूँ कि हम देश के सामने जो चित्र रखने की कोशिश कर रहे हैं उसमें फ़ैमिली प्लानिंग का रखना भी बड़ा आवश्यक है। तभी हमें बड़ी सफलता मिलेगी। अगर आवश्यकता हो तो इस क्लॉज को 10, 15 साल के बाद हटाया भी जा सकता है।

इन फंडामेंटल ड्यूटीज का प्रचार करने और इस विषय को पाठ्यपुस्तकों का अंग बनाने से हमारे बच्चों को, जो कल कुशल नागरिक बन कर देश के विकास में मदद देंगे, इस कर्त्तव्य का ज्ञान होगा कि परिवार में बच्चों की संख्या सीमित रखना देश के प्रति हर एक व्यक्ति का कर्त्तव्य है, जिससे देश का विकास जल्दी हो। मैं आशा करता हूँ कि मंत्री महोदय इस बात का ध्यान रखकर मेरा सुझाव मान लें।

मैंने कोई अनहोनी बात नहीं कही है। आज सरकार जो कुछ कर रही है वह राष्ट्रीय जनसंख्या पालिसी के अनुसार है। उसी के आधार पर मैंने यह संशोधन रखा है। इसको फंडामेंटल ड्यूटीज में शामिल करने से किसी का अहित नहीं होने वाला है। कोई भी व्यक्ति इस पर आपत्ति नहीं करेगा क्योंकि यह राष्ट्रीय नीति है।

माननीय सदस्य, श्री एस० एन० मिश्र, अपने भाषण में कुछ यूरोपियन आइडियाज बता कर और एक स्वप्न का चित्र खींच कर चले गये हैं। उन्होंने यह नहीं सोचा कि आज देश की क्या स्थिति है और एडवोकेट, डाक्टर और व्यापारी आदि क्या कर रहे हैं। उनकी बात सुन कर मुझे बहुत दुख हुआ। वह दूसरों की टीका-टिप्पणी करने में आनन्द लेते हैं। वह स्वयं अपने बारे में भी सोचें।

SHRI ARJUN SETHI: Mr. Deputy Speaker, Sir, my amendment No. 225 is simple and is also self-explanatory. Sir, I would like to insert the following:

Page 4, line 30,—

after “violence” insert—

“and to abjure casteism in all forms”.

Yesterday, we amended the preamble of our Constitution by inserting the words “Socialist Secular” into it. In the proposed ‘Fundamental Duties’ we are inserting the noble ideals which are fundamental to the integrity, dignity and unity of the nation and to promote harmony and the spirit of common brotherhood amongst all the people of India. Therefore, I wholeheartedly support the sincere efforts of the Government in this direction. You will agree with me, as bad as communalism, if not worse, is the casteism that is practised in India. By implication, after inserting the word ‘Socialist’ into the Preamble of the Constitution, we have abolished casteism, in any form it existed earlier. If that is so, why not we should inscribe in it these specific words in the ‘Fundamental Duties’ of the Constitution so that it will be more concrete and specific? Therefore, it is necessary to establish complete social harmony, to avoid the conflict and danger, which are posed to the unity and integrity of the nation. In the 25-Point Economic Programme of the

Government, we seek to eradicate caste system. Then, why should we not make the task easier by making it one of the duties of the citizens of the country, so that these evil practices which have been going on since long are eradicated for all time to come?

श्री मूल चन्द डोणा : यह जो इसमें सरकार ने रखा है

To uphold and protect the sovereignty;

यह क्या आदर्शवाद की बात है? हजारों टन गीता बिक गई, 500 टन रामायण बिक गई और रत्ती भर पालन नहीं हुआ तो क्या फायदा! यह क्या बात है? यह मुझे समझ में नहीं आता। यह क्या कर्त्तव्य है? मैं अहिंसा में विश्वास करता हूँ। एक आदमी हिंसा में विश्वास करता है। ये नोबल आइडियल्स क्या हैं? यह गवर्नमेंट को क्या सूझ रही है दु फ्रांसो दि नोबल आइडिल्स?

to cherish and follow the noble ideals which inspired our national struggle for freedom

यह बहुत बड़े आदर्शवाद की बात है। यह बार-बार लिखते हैं—राष्ट्र का ारव जिससे ऊपर उठे। मैं यह कहता हूँ कि वह गद्दार कहलाएगा आज के जमाने में जो चार बच्चों से ज्यादा लेकर चलेगा। वह दुश्मन है देश का। इसलिए मैंने कहा है

It shall be the duty of every citizen of India to follow the national policy on family planning;

राष्ट्र के अंदर यह राष्ट्र धर्म माना जाना चाहिए। राष्ट्रीय नीति यह घोषित की गई और इसे कर्त्तव्य में नहीं रखा। डा० कर्ण सिंह ने जब यहां पर नेशनल पालिसी आन फ्रेमिली

प्लानिंग का रेजोल्यूशन रखा तो सारे अखबारों ने माना यह राष्ट्र धर्म है और उसका यहां नाम ही नहीं है। सारे हिन्दुस्तान में यह काम चल रहा है। हिन्दुस्तान की जनसंख्या बढ़ रही है। वे लोग गद्दार हैं जो ज्यादा बच्चे पैदा करते हैं। वे दुश्मन हैं देश के और यहां पर यह कर्त्तव्य ही नहीं है। तो मैंने यह रखा है—

It shall be the duty of every citizen of India to follow the national policy on family planning.

इस तरह से आपकी फ्रेमिली प्लानिंग के अंदर वह आ जायेगा। मान लीजिये किसी ने शादी नहीं की है तो ही शुद्ध बी स्पेल्ट आउट लेकिन फ्रेमिली प्लानिंग नहीं मानेगा तो स्पेल्ट आउट हो जायगा।

हिन्दुस्तान में हम बुद्धिजीवी जितने स्वार्थी हैं, यह पढ़ी लिखी कोम और समझदार कोम जितनी है उसने इतना समझौता किया है झूठ से और इतनी यह स्वार्थी कोम है कि भगवान रक्षा करे। इनका अपना काम हो तो बात करने में बड़े चतुर हैं। आदर्शवाद की एक हजार बात इनसे करवा लीजिये। मैंने एक छोटी सी बात कही है। आज हिन्दुस्तान के अंदर चुनाव में खर्चा इतना क्यों होता है? इसके बारे में मेरा कहना यह है कि जहां पर हमें वोट देने का अधिकार है और कानून कहता है वहां खुद वोट देने जायें सुझो मोटो। वोट देना हमारा कर्त्तव्य होना चाहिए। चुनाव आ रहा है तो कोई जरूरत नहीं है वोटर के पास जाकर कहने की कि तुम चल कर वोट दो। वह बहे कि यह मेरा कर्त्तव्य है।

This is your primary duty—do your duty; result is not your concern.

इसलिए मैंने यह कहा कि एक तो नेशनल पालिसी आन फ्रेमिली प्लानिंग इसके अंदर आ जाय और दूसरे हर आदमी वा यह

[श्री मूल चन्द ढागा]

कर्त्तव्य हो कि वह कहे कि हमें बोट देने जाना है। आज क्या होता है कि कई लोग लकड़ी लेकर खड़े हो जाते हैं, कहते हैं कि नहीं जा सकते। दूसरे जो पढ़े लिखे लोग हैं या सम्झदार कहलाते हैं वे क्या कहते हैं कि हम तो बोट देने नहीं जाते। हाई कोर्ट के जजेज, डिस्ट्रिक्ट कोर्ट के जजेज और इस तरह के दूसरे पढ़े लिखे लोग कहते हैं यह नगरपालिका का चुनाव है, हम नहीं जाते, कोई आ जाय, हमें मतलब नहीं। देश में कुछ लोग ऐसे हैं कि देश उनके लिए है वे देश के लिए नहीं हैं। इसलिए आप इसमें कर्त्तव्य रख दीजिए एक तो नेशनल पालिसी आफ़ फ़ेमिली प्लानिंग को माने और दूसरे जो 17 या 18 साल का व्यक्ति है जिसको बोट देने का अधिकार है वह बोट देना अपना कर्त्तव्य समझे, सुन्नो मोटो बोट देने जाय इससे आपका खर्च कम हो जायगा, न लेने जाना पड़ेगा न मोटर लानी पड़ेगी। और ये बहुत से आइडियल्स जो रखे हैं उनको हटा दीजिए। बेग बातें कहने से कोई फ़ायदा नहीं है। बेग बातें मत रखिए।

जो आदर्श की बात है तो कौन से आदर्श? कल को एक आदमी कहेगा कि यह आदर्श ठीक नहीं था। आपने लिखा है यहां पर हम संविधान के प्रति वफ़ादारी का संकल्प लेते हैं और कहते हैं कि हम संविधान के प्रति वफ़ादार हैं। आप जो शब्दों को लिखते हैं उसमें कभी-कभी लेखक बन जाते हैं। देश के लिए हमें उन बातों को सोचना चाहिए और करना चाहिए जिनसे इस देश का गौरव ऊपर बड़े। जिन बातों से इस देश का गौरव नीचे होता है उनको नहीं करना चाहिए। मेरा कहना है कि नेशनल पालिसी तो आपने माना है, चिल्ड्रेन के लिए एक पालिसी आपने माना है, बोट देने को आपने कर्त्तव्य माना है। इस कर्त्तव्य को आप जोड़ दें तो बड़ा आसान हो जायेगा और एलेक्शन पर जो खर्चा होता है वह भी कम हो जायेगा।

MR. CHAIRMAN: There are two options before the Members: either to speak exhaustively on any amendment, even beyond the amendment, go up to a certain time and when the time comes, the other clauses will be just taken. The other alternative is to speak relevant to the amendment and cover upto the last clause because—that is what I have been told—the time has been fixed. By that time you will have to finish. And the rest will have to be guillotined. It is, therefore, possible that you go up to 21 clauses; and the rest will have to be guillotined. We should agree to proceed quickly. Please speak on your amendment; but don't make it something like a general speech. Reserve the general speech for the Third Reading. Speak on the amendment quickly for, say 1, 2 or 3 minutes; and cover the whole bill. These are the alternatives. It is for you to decide. I would advise you to choose the latter.

SHRI K. SURYANARAYANA (Elu-ru): I will confine myself only to my amendment No. 239 to Clause II. I visited the Bar Association in my district, in my constituency. They asked me: "if there is any violation of the fundamental duties, what is the punishment? Where is the Act? Which is the Article in question?" I have, therefore, given notice of this amendment, viz.

"51B. Failure to discharge the above fundamental duties, and actions in violation of these duties, shall be punishable under the Indian Penal Code, as may be amended for this purpose."

This is the simple amendment. If it creates any doubt, I am prepared to withdraw. My next point is: so far the Conduct Rules apply only to people in service. These rules and other conditions of service should apply to public servants like MPs., MLAs., people in the cooperatives and public men also. There must be Conduct Rules for them also hereafter. A

provision for this also should be added. This suggestion should be considered by the Government of India.

श्री मुहम्मद जमीलुर्रहमान : डिप्टी चेयरमैन साहब, मैं अपने चारों अमेंडमेंट्स पर बहुत मुस्तसर सी बातें कहूंगा। एक तो मैंने 51-ए, क्लॉज (सी) में लफ्ज़ "सावरेन्टी" के बाद लफ्ज़ "डिग्नटी" जोड़ने के लिए कहा है। मेरा दूसरा अमेंडमेंट यह है कि क्लॉज एक के आखिर में यह जोड़ दिया जाये :

"heritage and culture of the minority"

उसके बाद मैंने एक नया क्लॉज जोड़ने के लिए कहा है और वह है :

"(k) to pay taxes according to law."

उसी क्लॉज 51-ए के आखिर में 33वीं लाइन में मैंने यह जोड़ने के लिए कहा है :

"Provided that violation of any of the fundamental duties shall be punishable under the Indian Penal Code."

मैं अपने चारों अमेंडमेंट्स पर एक दफ़ा मुस्तसर बातें बोलकर ख़त्म करूंगा।

यह बिलकुल जाहिर बात है कि कोई भी राइट बगैर ड्यूटी के नहीं हो सकता और कोई भी ड्यूटी बगैर राइट के नहीं हो सकती। इसलिये हमारे मोहतरिम ला मिनिस्टर साहब और उनके साथी मुबारकबाद के मुस्तहक हैं—उन्होंने हमारे कांस्टीचूशन में फ़ण्डामेंटल

ड्यूटीज का क्लॉज जोड़ा है। जनाब, आपकी याद होगा, सिर्फ़ दो साल पहले ऐसा मालूम पड़ता था कि सिर्फ़ सरकार को ही सारा काम करना है, सिटिजन्स को किसी काम के लिये कोई ज़िम्मेदारी नहीं है। वे यह समझते थे कि हम जो भी काम करेंगे, वह ऐसा होगा जिसके ऊपर कोई बन्दिश नहीं होगी, कोई रुकावट नहीं होगी। आजादी का मतलब वह इस तरह से लगाया करते थे कि उन पर कोई पाबन्दी नहीं है, वे जो चाहे करें। इस चीज़ से मुल्क को बहुत नुकसान पहुंचा। इसलिये इस मौके पर फ़ण्डामेंटल ड्यूटीज के बारे में जो तरमूम आप लाये हैं, बहुत मौजू है। भारत के हर बाशिन्दे की फ़ण्डामेंटल ड्यूटीज तय होनी चाहिए।

इस सिलसिले में, मोहतरिम चेयरमैन साहब, मैंने चार अमेंडमेंट्स मूव की हैं, जिनको मैंने अभी पढ़ कर सुनाया है। कोई इस बात से इन्कार नहीं करता कि मुल्क का विकास बढ़े, मुल्क की इज्जत बढ़े, इज्जत और विकास इन्टरनेशनल लेवल पर पहुंच जाय। इस बात से भी कोई इन्कार नहीं कर सकता कि यह मुल्क मल्टी-रेशल होने के बावजूद एक मजबूत सेन्टर से बंधा हुआ है। लोगों में इतनी डाइवर्सिटी होने के बावजूद जितनी मिल्लत है, इसकी मिसाल दुनिया में नहीं मिल सकती। यह एक गुलदस्ता है, जिसमें रंग-बिरंगे फूल लगे हुए हैं, उन फूलों की खूबसूरती से गुलदस्ते की खूबसूरती बढ़ जाती है—इस तरह से यह भारत है, जहां तरह तरह के लोग हैं और उनका मजमूआ यह भारत है।

आप ने अकलीयतों के बारे में कांस्टीचूशन में जो गारंटी दी है, उसको बरकरार रखा जाना चाहिए, उसी के तहत मैंने अपनी अमेंडमेंट्स दी हैं। अकलीयतों के कल्चर को जहां तक बचाने की बात है—मेरी यह दरख्वास्त है कि आप ने ओइयूल्ड कास्ट्स और

[श्री मुहम्मद जमीलुल्लहमान]

शेड्यूलड ट्राइब्स के लिये कमिशनर मुकर्रर किया है, उसी तरह से मुसलमानों के लिये भी एक कमिशनर मुकर्रर किया जाय, जिसकी सालाना रिपोर्ट पार्लियामेंट के सामने आये और सारी बातें पार्लियामेंट के सामने रखी जायें। पिछले दो सालों से इस तरह की मांग की जा रही है। मेरी अमेंडमेंट इस कमी को पूरा करती है, इसलिये मेरी दरखास्त है कि इसे मंजूर किया जाय।

मोहतरिम चेन्नरमैन साहब, पिछले दिनों स्वर्ण सिंह कमेटी की पार्लियामेंट के एक कमरे में बैठक हुई थी, हम सब लोग वहां पर जमा हुए थे—उस मौके पर हम लोगों ने आपकी क्लाज के लिये खुले दिल से हिमायत की थी—

“to pay taxes according to the law”

यह एक बहुत अच्छी बात थी कि हर आदमी अपने आप टैक्स अदा करे। आप जानते हैं कि भारत में कितने लोग टैक्स चोर हैं, एक मर्तबा ज़रा-सी लगाम कड़ी की—1500 करोड़ रुपया निकल आया—तब फिर हम क्यों न इस चीज को अपने ऊपर एक ड्यूटी की शकल में डालें, सरकार का, पब्लिक एक्सचेजर का जो भी रुपया हमारी तरफ कानूनी तौर पर निकलता है, उसे हम खुद जमा करायें, ताकि सरकार की तरफ से कानून को लागू करने का जो खर्चा होता है, वह बच सके। इस तरह से जो रुपया बचेगा, उसको दूसरे कामों में खर्च किया जा सकता है गरीबों के लिये उस रुपये का इस्तेमाल हो सकता है। इस लिये उस क्लाज को इसमें जरूर रखना चाहिए।

आप ने 4 (ए) में जिन ड्यूटीज को लिया है, वे निहायत मुनासिब हैं, बहुत अच्छी

हैं, लेकिन अगर कोई उनको वायोलेंट करेगा तो उस पर किस कानून के तहत कार्यवाही होगी—इस चीज को भी कोडिफाई करना बहुत जरूरी है। आप वहां पर कह सकते हैं—

“this shall be punishable under the Indian Penal Code”

मेरी गुजारिश यह है कि मेरी चौथी अमेंडमेंट इस तरह से है—

“Provided that violation of any of the Fundamental Duties shall be punishable under the Indian Penal Code.”

इसको मंजूर किया जाय।

आखिरी गुजारिश मैं यह करना चाहता हूँ कि जहां कल्चरल हैरिटेज की बात है—हमारे रिश्ते मुस्लिम मुमालिक के साथ बहुत तेजी से बढ़ रहे हैं। हमारे मुल्क ने जो तरफ़की की है, उसको देखना नहीं चाहते। हमारा बाजू वाला मुल्क भी उससे जल उठा है। ऐसे हालात में जो हमारा रिश्ता मुस्लिम मुमालिक से बढ़ता जा रहा है, हमारा रिश्ता उनसे मजबूत होता जा रहा है, वह नहीं चाहते कि यह मजबूत हो।

इस देश में 8, 9 करोड़ मुसलमान लोग हैं। उनको कल्चरल हैरिटेज है, कल्चरल बैकग्राउण्ड है। मेरा कहना यह है कि उसको बरकरार रखा जाये और ऐसा करने के लिए एक कमीशन बहाल करना मुनासिब होगा ताकि पार्लियामेंट को सारी जानकारी उनकी नौकरी के मामले में, बिजनेस के मामले में, पढ़ने के मामले में और रोजी रोटी के मामले के मामले में प्राप्त हो।

इतना कह कर मैं खत्म करता हूँ और चाहता हूँ कि मेरा अमेंडमेंट मान लिया जाए।

شری مسعود جہل الرحمان- (کھن)
 کلچ): ذہنی چیرمیں صاحب- میں
 اپنے چاروں امیلڈمیلٹس پر بہت
 مختصر سی باتیں کہونگا۔ ایک تو میں
 نے ۵۱ اے کلاز (س) میں لفظ
 "ہارونگی" کے بعد وردہ نگلی جوڑنے
 کے لئے کہا ہے۔ مہرا دوسرا امیلڈمیلٹ
 یہ ہے۔ کہ کلاز ایف کے آخر میں یہ
 جوڑ دیا جائے۔

"heritage and culture of the minority"

اس کے بعد میں نے ایک نیا
 کلاز جوڑنے کے لئے کہا ہے۔ اور وہ ہے۔

"(k) to pay taxes according to law"

اس کلاز میں ۵۱ اے کے آخر
 میں ۳۳ ویں لائن میں میں نے یہ
 جوڑنے کے لئے کہا ہے۔

"Provided that violation of any of the fundamental duties shall be punishable under the India Penal Code."

میں اپنی چاروں امیلڈمیلٹس
 پر ایک دفعہ مختصر باتیں بولکر
 ختم کرونگا۔

یہ بالکل ظاہر بات ہے کہ کوئی
 بھی رائٹ وغیرہ بغیر قیوتی کے نہیں
 ہو سکتا۔ اور کوئی بھی قیوتی بغیر

رائٹ کے نہیں ہو سکتی۔ اس لئے
 ہمارے محترم لا منسٹر صاحب اور
 ان کے ساتھی مبارکباد کے مستحق
 ہیں۔ انہوں نے ہمارے کانستٹیوٹن
 میں فلڈامینٹل قیوتیز کا کلاز جوڑا
 ہے۔ جذبات آپ کو یاد ہوگا یہ صرف
 دو سال پہلے اسے معلوم پڑتا تھا۔
 شرف کہ سرکار کو ہی ہمارا کام کرنا ہے۔
 سٹیوٹنٹ کی کس کام کے لئے کوئی
 ذمہ داری نہیں ہے۔ وہیہ سمجھتے تھے کہ
 ہم جو بھی کام کریں وہ ایسا ہوگا
 جس کے اوپر کوئی بلڈھ نہیں ہوگی
 زانی کا مطلب وہ اس طرح ہے لکایا
 کرتے تھے۔ کہ ان پر کوئی پابندی
 نہیں ہے۔ وہ جو چاہیں کریں۔ اس
 چیز سے ملک کو بہت نقصان پہنچا۔
 اس لئے اس موقع پر فلڈامینٹل
 قیوتیز کے بارے میں جو ترمیم آپ
 لائے ہیں۔ بہت موزوں ہے۔ بھارت
 کے ہر باشندے کی فلڈامینٹل قیوتیز
 طے ہوتی چاہئے۔

اس سلسلے میں مہترم چیر میں
 صاحب میں نے چار امیلڈمیلٹس
 کئے ہیں۔ جن کو میں نے ابھی پڑھ
 کر سنایا ہے۔ کوئی اس بات سے انکار
 نہیں کر سکتا کہ ملک کا وقار بڑھے۔
 ملک کی عزت بڑھے۔ عزت اور وقار
 انٹرنیشنل لیول پر پہنچ جائیں۔
 اس بات سے بھی کوئی انکار نہیں
 کر سکتا۔ کہ وہ ملک ملٹی ویشنل

[شری محمد جمیل الرحمن]
 ہونے کے باوجود ایک مضبوط سہنتر
 سے بلدا ہوا ہے۔ لوگوں میں اتنی
 ڈانہورستی ہونے کے باوجود جتنی
 ملت ہے۔ اس کی مثال دنیا میں
 نہیں مل سکتی۔ یہ ایک گلدستہ ہے۔
 جس میں رنگ بونگے پھول لگے ہوئے
 ہیں۔ ان پھولوں کی خوبصورتی سے
 گلدستے کی خوبصورتی بڑھ جاتی ہے۔
 اس طرح سے یہ بھارت ہے۔ جہاں
 طرح طرح کے لوگ ہیں۔ اور ان کا یہ
 بھارت ہے۔

آپ نے اقلیتوں کے بارے میں
 کانستیتیشن میں جو گارنٹی دی ہے۔
 اس کو برقرار رکھا جانا چاہئے۔ اس
 کے تحت میں نے اہلی اسمبلی میں
 دی ہیں۔ اقلیتوں کے کھچ کر جہاں
 تک بچانے کی بات ہے۔ میری یہ
 درخواست ہے کہ آپ نے
 شہدولت کاسٹ اور شہدولت ٹرائی
 کے لئے کمشنر مقرر کیا ہے۔ اس طرح
 سے مسلمانوں کے لئے بھی ایک کمشنر
 مقرر کیا جائے۔ جس کی سالانہ
 رپورٹ پارلیمنٹ کے سامنے آئے پچھلے
 دو سالوں سے اس طرح کی مانگ کی
 جا رہی ہے۔ میری اسمبلی میں اس
 کمی کو دور کرتی ہے۔ اس لئے میری
 درخواست ہے کہ اسے منظور کیا جائے۔

مستزیم چیمبرمین صاحب پچھلے
 دنوں سورن سنگھ کمیٹی کے پارلیمنٹ
 کے ایک کمرے میں بیٹھک ہوئی۔
 ہم سب لوگ وہاں پر جمع ہوئے
 تھے۔ اس موقع پر ہم لوگوں نے آپ
 کی کلاز کے لئے کہے دل سے حمایت
 کی تھی۔

"To pay taxes according to the law"

یہ ایک بہت اچھی بات تھی۔ ہر
 آدمی اپنے آپ ٹیکس ادا کرے آپ
 جانتے ہیں۔ کہ بھارت میں کتنے
 لوگ ٹیکس چور ہیں۔ ایک مرتبہ
 ذرا سی لٹام کوئی کی 1500 روپیہ
 کروڑوں روپیہ تلک گیا۔ تب ہم کہیں
 نہ اس چیز کو اپنے اوپر ایک قیوتی
 کی شکل میں ڈالیں۔ سرکار کا پبلک
 ایکسچینجر کا جو 40 روپیہ کانونی
 طور پر نکلتا ہے اسے ہم خود جمع
 کرائیں۔ تاکہ سرکار کی طرف سے
 قانون کو لاگو کرنے کا جو خرچہ ہوتا ہے۔
 وہ بچ سکتا ہے اس طرح سے جو روپیہ
 بچے گا اس کو دوسرے کاموں میں
 خرچ کیا جا سکتا ہے۔ غریبوں کے لئے
 اس روپیہ کا استعمال ہو سکتا ہے۔
 اس لئے اس کلاز کو اس میں ضرور
 رکھنا چاہئے۔

آپ نے ۴۱ (اے) میں جن قیوتیز کو لیا ہے۔ جو وہ نہایت مناسب ہے۔ لیکن اور کوئی ان کو وائیلٹ کرونگا۔ تو اس پر کسی قانون کے تحت کارروائی ہوگی۔ اس چیز کو بھی کوئی فائل کرنا بہت ضروری ہے۔ آپ وہاں پر کیا کہہ سکتے ہیں۔

"This shall be punishable under the Indian Penal Code".

میری گزارش یہ ہے۔ کہ میری چوتھی امینڈمنٹ ہے۔ اس کو منظور کیا جائے۔

"Provided that violation of any of the Fundamental Duties shall be punishable under the Indian Penal Code."

آذری گزارش میں میں یہ کہنا چاہتا ہوں۔ کہ جہاں کلچرل ڈیفرینس کی بات ہے ہمارے رشتے مسلم ممالک کے ساتھ بہت تیزی سے بڑھ رہے ہیں۔ ہمارے ملک نے جو ترقی کی ہے۔ اس کو دیکھنا نہیں چاہئے۔ ہمارا بازو والا ملک ہی اس سے جل اٹھا ہے۔ ایسے حالات میں جو ہمارا رشتہ مسلم ممالک کے ساتھ بڑھتا جا رہا ہے۔ ہمارا رشتہ ان سے مضبوط ہوتا جا رہا ہے۔ وہ نہیں چاہتے کہ یہ مضبوط ہو۔

اس دیش میں ۸-۹ کروڑ مسلمان لوگ ہیں۔ ان کا کلچر ہماری طرح ہے۔ میرا کہنا یہ ہے کہ اس کو برقرار رکھا جائے۔ اور اؤ ایسا کرنے کے لئے ایک کمیٹن بحال کرنا مناسب ہوگا۔ تاکہ پارلیمنٹ کو ساری جانکاری ان کی نوکری کے معاملے میں۔ بزنس کے معاملے میں۔ اور پڑھنے کے معاملے میں۔ روزی روتی کے مسئلے کے معاملے میں پواپت ہو۔ انکا کہہ کر میں ختم کرنا ہوں۔ اور چاہتا ہوں کہ میرا امینڈمنٹ مان لیا جائے۔

SHRI EBRAHIM SULAIMAN SAIT (Kozikode). I have moved amendment Nos. 306 and 353 to this clause.

Amendment No. 306 is a very simple one. In the proposed article 51A, in sub-clause (e) it has been stated:

"to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;"

This is a very laudable object. Nobody is against the dignity of women, but I do not understand why particularly

[Shri Ebrahim Sulaiman Sait]

women should be mentioned. Why should it not be "individual"? For in the Preamble of the Constitution itself, the words used are:—

"FRATERNITY assuring the dignity of the individual and the unity of the Nation;"

So, I would like this word "women" to be substituted by "individuals", as that will definitely include women also.

I consider my amendment No. 353 to be very important and I would like to emphasize our apprehension with all the power at my command. Article 25 of the Constitution states:

"Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

But Article 44 under the directive principles says:

"The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."

I feel that these two articles are quite contradictory to each other. Hence I have brought this amendment.

The object of this Bill has become very clearly explained in the Statement of Objects and Reasons, thus:

"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 which have been allowed to be relied upon to frustrate socio-economic reforms for implementing the directive principles."

So, you are making the directive principles take precedence over fundamental rights, and particularly the right to profess, practise and propagate religion. Never so far, in the last 29 years has the right of the minorities to profess, practise and propagate religion stood in the way of socio-economic reforms. We welcome the amendment of the Government, the country has to progress, impediments have to be removed, but here is a great contradiction, and I am voicing the very grave and deep-rooted apprehension of the entire community.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): Which article are you referring to?

SHRI EBRAHIM SULAIMAN SAIT: In my amendment No. 353 I have suggested the addition of the following:

"(k) to avoid any interference in any religion or faith in the country and to assist and co-operate in protection of personal laws of different religious entitles."

This is what I wanted. Why I say this is because they have got the Fundamental Rights and the Directive Principles. You say in the Statement of Objects and Reasons that the Directive Principles will get precedence. This is also what Sardar Swaran Singh had said the other day. That is what Shri Gokhale has said. In this type of a situation, how can our grave apprehensions be removed? We consider our personal laws to be part and parcel of our religion. In such a situation, as it exists today, this word of common civil code will go on hanging on our heads. How can we have peace of mind? That is the position. I appeal to your good sense to do justice. There is contradiction here. I would very much like that this contradiction should be removed and our right to personal property and religion should be guaranteed.

It has been said here that India is a country of multi-religions, multi-cultures and so on. All these things should be protected. We all cooperate with you for the building of our nation. Never, at any time, we stood separate. There were emergencies. Then our independence was threatened; our integrity was threatened. Then Pakistan and China invaded our country. All of us stood like one man to protect the independence and integrity of the country. There was no difference. But here, we have to make our identity. How this could be done; I cannot understand? The Law Minister is here to explain to me how it is possible now. In the Directive Principles, you have a common civil code. Here you say that our right to personal property will be guaranteed under the Fundamental Rights. Then our personal laws are part and parcel of our religion, based on Koran and sunnet.

There cannot be two opinions about it, about heritage, marriage and divorce. It has been mentioned in the Koran, not anywhere else. Even the prophets cannot change the personal laws. I cannot understand when you say that it is a part of our religion and that it will have a common civil code. I am speaking with pain and anguish. I appeal to you to tell me how it is possible?

Therefore, please come to the rescue of our community which forms part and parcel of the Indian nation so that our religion may feel secure, our culture may feel secure and our identity may feel secure. Both of you can very well understand these things. Both of you are very wise. Our Law Minister is here. Dr. Seyid Muhammad is also here. He knows this thing. When the Directive Principles are given precedence how could the Fundamental Rights be safeguarded? I want this thing to be said. The other day, the Prime Minister spoke about India versus socialism and secularism. She has explained this thing. She said that this was based on respect for all religions. There should be no interference. This is our objective. We have declared our secular character. How can both these go together? That is the question which I would like you to explain to me and give me all possible satisfaction so that I may live in peace in this country.

SHRI O. V. ALAGESAN (Tirutani): Mr. Chairman, Sir, we are on the Chapter of these fundamental duties. Sub-clause (a) calls upon people to promote harmony by transcending religion, language, region, section and other diversities. You know that of all the divisive forces in the country caste is the worst. I come from Tamil Nadu and you come from Bihar. You know what havoc this caste had created at the time of election. The worst force which distorts and deflects the Indian democracy is now caste more than any other force; it cuts across even religion. It is

[Shri O. V. Alagesan]

so powerful. Gandhiji said that caste must go and caste is a crime. So, I want that the word "caste" be put in so that our children and all our people come to know that this is one of the impediments which we should get over to have a harmonious society and also to fashion our democracy on proper lines. That is one of my amendments which, I hope, the hon. Minister will pay due attention to.

16.00 hrs.

The next one is with reference to sub-clause (f) which speaks of "to value and preserve the rich heritage of our composite culture." It speaks of composite culture. I take it that any culture by definition has to be composite. Take any country, any culture. It has to be composite because so many streams come into the culture of a country, into the culture of a society and they form a composite one. When I was hearing the previous speaker, I did not feel that our culture is so composite. There seem to be more differences than what have been assumed.

The word "composite", you will see, occurs in article 351 with reference to the development of the Hindi Language:

"...to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India...."

That is where you find the word "composite." Now, I should like to emphasize the very ancient nature of our culture. It is not yesterday's or a few centuries ago though, by composite culture, you mean the culture that developed in this country after the advent of Muslim rule. It did contribute to our culture; it did enrich our culture. We saw its culmination in the exquisite monument called Taj Mahal at Agra. We have nothing against it. But that is not the only culture. If you go to Tamil Nadu, we have the two cul-

tures of Tamil and Sanskrit. It is not only from Sanskrit we derive our sustenance. We derive our sustenance from Tamil also. It has been, accepted also that Tamil is as ancient as Sanskrit. But that does not mean that we can disown one or the other or separate them. They have been so interwoven that they can never be separated.

It was for that reason that I was very sorry to hear what Mr. Manoharan said about Sanskrit. He said something derogatory about Sanskrit. I saw how visibly our Members were pained by those remarks. He said in a light vein—it is also the fashion these days to say so that Sanskrit is a dead language. I ask you: Is Sanskrit a dead language? It lives in all the north Indian languages of India. It is spoken every day. You remove Sanskrit from the spoken language of the north India, there will be nothing to speak. The old syntax, the old grammar, of Sanskrit may not be there. But this language is a living and vibrant force representing our vibrant culture and civilisation. So, I was very sorry to hear Mr. Manoharan speaking like that. Perhaps, he spoke more in ignorance.

It is true that we adopted the wisdom and culture of Koran and of Bible. But what about the wisdom and culture of Upanishads, of Vedas and of Bhagwat Gita? What about Tirukkural, Tiruvachakam and Tiruvdimozhi? What about these cultures? It is an enlightened culture; it is a composite culture.

एकं सत् विप्राः बहुधा वदन्ति

Truth is one but wise men call it by It means, Truth is one but wise men call it by different names. That is the meaning of it. It is with that very tolerant exposition that India was able to welcome with open arms other cultures. That is how the quality of tolerance developed in our society.

I don't want to speak more on this than to say that our culture is an-

cient and that aspect should be emphasized. It is certainly a composite culture and that compositeness does not confine itself to the Muslim culture alone: it is much more composite than what many people assume by the word 'composite.' For instance, in Tamil Nadu the Vaishnavaites call 'Vedanta,' *Ubhaya Vedanta*. It is something like a double Degree. A man cannot be called a Vedantin if he studies only Sanskrit Vedanta; only if he studies Tamil Vedanta also can he be called a full Vedantin.

My friend asked where Sanskrit stands with reference to South Indian languages. Sanskrit is very much being used by us—perhaps most in Telugu, less in Kannada and Malayalam and much less in Tamil; that may be the proportion. Mr. Manoharan is a Malayalee and if he speaks two sentences in Malayalam he must be speaking five words in Sanskrit, and I am sorry he has said that Sanskrit is not a living language.

Therefore, I plead that this word 'ancient' may be added in the relevant sub-clause.

SHRI K. NARAYANA RAO: Mr. Chairman, Sir, I have introduced three amendments to this Clause, and I will deal with them briefly. One is that the expression 'fraternity' should substitute 'brotherhood'. The second is sub-clause to provide for the protection and improvement of natural environments including lakes and rivers etc. and the third is for omitting the words 'to have compassion on living creatures.' The last one is because those who are used to non-vegetarian food and eat fish, chicken etc. cannot do so without doing violence to living creatures.

I hope the Minister will also add a new sub-clause imposing certain duties on foreigners because, under the fundamental rights, the foreigners are enjoying certain rights like those under Articles 14, 20, 21, 22 and 31. Therefore, being entitled to these Fundamental Rights. I think they

should also be obligated by certain duties which are very essential.

With these remarks, I conclude.

SHRI KARTIK ORAON: Under Article 51(A) the duties of citizens have been spelt out. I have moved a number of amendments, but with regard to article 369 I have moved an amendment that there should be compulsory military training for two years at the age of 18 or on the completion of education. This training gives a sense of discipline to the youngsters who are at an transition period of their lives. This is done in U.K. also. So, I think they should undergo compulsory military training for two years at the age of 18 or after completing education.

Then, again, of course my amendments 381 to 386 are very minor ones but, yet, they are vital. I would like to request the Hon. Minister to examine them. Because he has failed to protect the tribals in the previous clause, I would request him to put the tribals in this 'wild life' clause so that they will be protected.

I now come to my amendment No. 387. I find that this Bill is trying to bring about a revolutionary change and is laying a special emphasis on the welfare of the weaker sections of the society. In spite of the best intentions of the Government and the benevolent attitude of our Prime Minister, I submit, with all humility at my command, that all is not well with the Scheduled Castes and Scheduled Tribes, and they will not be properly looked after unless some sort of duties and obligations are fixed on the members of the affluent society towards these oppressed, suppressed and depressed communities, the Scheduled Castes and Scheduled Tribes. Therefore, in my amendment No. 387, I have proposed the addition of the following to the duties and obligations, namely,

[Shri Kartik Oraon]

"to protect and promote the interest of the weaker sections of the society and refrain from exploiting them in any form."

Unless we stop the exploitation of the weaker sections of the society, no measure for the welfare of the Scheduled Castes and Scheduled Tribes will have any effect. I would like to say that the attitude of the members of the affluent society towards these people has not changed, and so long as it does not change, any measure for the welfare of the Scheduled Castes and Scheduled Tribes will only remain a slogan.

In this connection I would like to point out that the illegal transfer of tribal lands to non-tribal is still rampant in spite of the special tenancy Acts in various States and the Scheduled Areas Regulation Act, which are designed to restore the tribal lands illegally transferred to non-tribals: I am having a number of complaints from all over the country about grabbing of the land of the tribals in various forms and the atrocities committed against the Scheduled Castes and Scheduled Tribes. The more the Prime Minister is moving with a vengeance to safeguard the interests of the Scheduled Castes and Scheduled Tribes, the more stiff is the resistance by the vested interests. This is a grim reality, and we must take note of this.

In Bihar, two MLCs, Jagnarayan Pathak and Rajeswari Sarojdas, have grabbed about 400 of acres of land belonging to the Scheduled Castes and Scheduled Tribes and have sent them

awaylock, stock and barrel; they have indulged in all sorts of loot and arson. This is what is happening in Bihar, in Palamau district, Rankita Block, village Jogikhura. They are very powerful people. After the 20-Point Programme was introduced by the Prime Minister, the officers were bold enough—two successive Deputy Commissioners—were very firm; and they have exposed them. Now things are going at higher levels. I think, something will come out of this.

Mr. Jugandhar of Planning Commission has prepared a film on bonded labour and the victims of these two MLCs, Jagnarayan Pathak and Rajeswari Sarojdas. There seems to be some hitch in releasing this film. I wish that, with the intervention of the Law Minister, the Home Minister, and, if necessary, the Prime Minister, this film should be released as early as possible, so that it will serve not only as an eye-opener but will scare others from taking recourse to such types of exploitations. These things will continue so long as there is no provision in the Constitution. We have thought of duties in respect of many things, but we have not fixed any duties or responsibilities towards the weaker sections of the society, in this Bill. I am very unhappy that this aspect was not thought of. However much I may shout here at the top of my voice, I am afraid this amendment is not going to be accepted and passed. If this is accepted, it will be a good change. We are worried because we have been seeing what has been going on for the last thirty years. What the eye does not see, the heart does not grieve about. The others, particularly the affluent sections, are not at all worried about the welfare of these Scheduled Castes and Scheduled Tribes. What is necessary today,

therefore, is the cooperation of all sections of the people with a sense of love, affection, goodwill and understanding for the weaker sections of the society and particular for the Scheduled Castes and Scheduled Tribes. Hence, I have suggested this addition in my amendment. I would very humbly plead with the Law Minister to accept it and if he does, it will go a long way for the welfare of the Scheduled Castes and Scheduled Tribes.

श्री जाम्बूवतघोड़े : सभापति महोदय, इस संविधान (चवालीसवां संशोधन) विधेयक की क्लॉज 11 को स्वर्णमयी क्लॉज कहा गया है, लेकिन इस विधेयक के जो उद्देश्य बताये गये हैं, उन से यह स्वर्णमयी क्लॉज मेल नहीं खाती है। हम ने अपने प्रोपम्बल में सोशललिस्ट रिपब्लिक, समाजवादी गणराज्य, की बात कही है। मैंने इस क्लॉज द्वारा संविधान में जोड़े जाने वाले कर्त्तव्यों में ढूँढने की खूब कोशिश की, लेकिन उन में मुझे समाजवाद कहीं नजर नहीं आया। जिस क्लॉज की इतनी तारीफ की जाती है, उस में दिये गये कर्त्तव्यों में समाजवाद का जिक्र कहीं नहीं है—वह माइक्रोस्कोप से ढूँढने पर भी नहीं मिलेगा।

जिस स्वर्णसिंह समिति की रिपोर्ट के आधार पर यह संविधान संशोधन रखा गया है, उस ने इकानोमी के सम्बन्ध में केवल एक ही बात कही थी कि लोगों को इनकम टैक्स देना अपना कर्त्तव्य समझना चाहिए। जो एक क्लॉज या सेक्शन एकोनामी से सम्बन्ध रखने वाला था वही एक सेक्शन हमारे कानून और न्याय मंत्री गोखले साहब को और हुक्मरान को पसंद नहीं आया और वह निकाल दिया गया। प्रश्न सीधा सादा है कि फंडामेंटल ड्यूटीज की हैसि-

यत से हमारे सामने जो चीज आई है उस में फंडामेंटल ड्यूटीज के बजाय आदर्श की बात है। आदर्शों का क्लॉज कोई और रख सकते थे लेकिन जो नागरिकों की ड्यूटीज का क्लॉज है उस में नागरिकों की ड्यूटी होनी चाहिए थी। उस में ड्यूटी नहीं बताई गई आदर्श बता दिए गए। सामाजिक और आर्थिक क्रान्ति की बातें हम कर रहे हैं इस संशोधन में आपने यह रखा कि संविधान का पालन करे, उस के आदर्शों, संस्थाओं, राष्ट्र ध्वज और राष्ट्र गान का आदर करें, ये सारी बातें केवल आदर्श की बातें हैं। पाजिटिव इस में कुछ भी नहीं है। जो पाजिटिव सेक्शन था इनकम टैक्स का वह भी निकाल दिया गया। इस में सिर्फ विशुद्ध रीफॉर्मिंग है और इस संशोधन को एक स्वर्णमय अनुच्छेद कहा गया। सारी क्लॉजेज आप देखें इस में कहीं आप को दिशा नहीं दिखेगी, इस में केवल राजनीति ही नजर आएगी। इसलिए मैं ने इस में नागरिक तथा परिवार के कर्त्तव्यों के संबंध में अपने संशोधन दिये हैं—403 और 404। हमारे कानून मंत्री और हमारी सरकार को बहुत ही अच्छा मौका मिल रहा था; इन कर्त्तव्यों में बहुत ही अच्छे कर्त्तव्य जो सही माने में एकोनामिक और सोशल रिक्राम के लिए मदद कर सकते थे, डाल सकते थे लेकिन जानबूझ कर उसे टाला गया। जानबूझ कर ड्यूटीज को टाला गया और वहाँ लोगों के सामने आदर्श रखे गए। आप देखें आर्टिकल 19 और 31 है, फंडामेंटल राइट्स आफ़ प्रापर्टी को हम इस संशोधन में स्पर्श कर सकते थे, इस ग्यारहवीं क्लॉज में कम से कम, निश्चित तौर से कर्त्तव्य के द्वारा स्पर्श कर सकते थे। लेकिन वह भी शासन और कानून के मंत्री ने नहीं किया, पूरे समाजवाद की बात छोड़िए, सम्पत्ति और धन का अधिकार निकालने की बात छोड़िए, वह तो संभव ही नहीं, सभापति महोदय आपने बड़ी अच्छी

[श्री जम्बूवंत घोटे]

बात कही थी कि प्रापटी का अधिकार निकासने की बात तो छोड़ें, प्रापटी के ऊपर सीमा भी नहीं लगाई है। इस देश में कई उद्योग-पति हैं जिन के पास अरबों की सम्पत्ति है। उस के ऊपर सीमा भी नहीं लगाई। इस कर्तव्य में उसका कहीं उल्लेख नहीं है। इसलिए मैं ने अपने संशोधनों में नागरिक तथा परिवार के जो कर्तव्य दिए हैं उन को आप के सामने रख रहा हूँ। टोटल समाजवाद नहीं तो रेस्ट्रिक्टेड समाजवाद की बात तो करें। मेरा संशोधन यह है :

- (क) 'केवल स्वदेशी और देश में विनिर्मित माल का उपयोग करे,
- (ख) छात्र/युवक के मामले में सत्रह वर्ष की आयु प्राप्त करने पर सहस्र दलों में एक वर्ष के लिए सैनिक प्रशिक्षण ले;
- (ग) "हिन्दुस्तानी" भाषा पढ़ना लिखना, और बोलना सीखे;
- (घ) एक कुटुम्ब के लिए एक से अधिक मकान न रखे;
- (ङ) नकद या किसी बैंक (भारतीय या विदेशी) में 25,000 रुपये से अधिक की रकम न रखे;
- (च) सेफ डिपॉजिट वाल्ट में अपने नाम में या अपने कुटुम्ब के किसी सदस्य के नाम में नकदी, आभूषण, स्वर्ण, चांदी, हीरे, मोती जवाहरात आदि न रखें;
- (छ) महिला के मामले में गहनो या किसी अन्य रूप में दस तोले से अधिक स्वर्ण न रखे

और पुरुष के मामले में स्वर्ण का कोई आभूषण न पहने;

(ज) अधिकतम सीमा से अधिक नकदी, स्वर्ण और आभूषण सरकार को अर्पण करे;

(झ) अधिकतम सीमा से अधिक स्थावर सम्पत्ति वसीयत या किसी अन्य लिखित द्वारा सरकार को अन्तरित करे;

(भ) व्यसनों से दूर रहे;

राष्ट्रपिता महात्मा गांधी के आदर्शों की बात हमने फंडामेंटल ड्यूटीज में दी है लेकिन महात्मा गांधी ने जो शराब के बारे में कहा था उसको इन ड्यूटीज में कहीं स्पष्ट नहीं किया गया है। शराब से इस समाज को मुक्त करने के लिए इस समाज को सोशलिस्ट क्रांति के पथ पर अग्रसर करने के लिए शराब-बन्दी की बात हम फंडामेंटल ड्यूटीज में डाल सकते थे लेकिन उसको डाला नहीं गया।

(ट) नागरिक और कुटुम्ब के उपर्युक्त दस कर्तव्यों को व्यवहार में लाते हुए स्वच्छ, श्रेष्ठ और आदर्श चरित्र का निर्माण करना अपना परम कर्तव्य समझे।

समाप्ति महोदय : माननीय सदस्य के संशोधन इतने स्पष्ट हैं कि अब और कुछ भी कहने की आवश्यकता प्रतीत नहीं होती।

श्री जम्बूवंत घोटे : मैं हुकरानों से और कानून मंत्री जी से जानना चाहता हूँ कि एकोनामिक क्लॉजेज को, इनकम टैक्स क्लॉजेज को अपने हिसाब से निकालने के पीछे राज क्या है ? स्वर्णसिंह समिति

ने जो एकोनामिक क्लाइ दिए थे उनको आपने अपने हिसाब से राजनीति की दृष्टि से निकाल दिया और दूसरे क्लाइज अपने हिसाब से डाल दिया — इसका कारण क्या है ? स्वर्ण सिंह समिति ने एक कर्तव्य रखा था कि इनकमटैक्स देंगे, उसको आपने क्यों निकाला ? स्वर्ण सिंह समिति की रिपोर्ट में जो बातें एकोनामी से सम्बन्ध रखती थीं, जो बात सोशलिज्म से सम्बन्ध रखती थीं उन को आपने क्यों निकाला और बाकी चीजें केवल राजनीति के हिसाब से आपने क्यों जोड़ा— यही मेरा प्रश्न है, अपने इस संशोधन को भूबव करते हुए।

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): Mr. Chairman, Sir, my amendment No. 409 is a very simple amendment. As Shri B. R. Shukla stated, fundamental duties, if left vague, may create confusion in the minds of many. If the duties are stated in specific terms then these can create impact and help in building national character. Keeping that in view, Mr. Chairman, I wanted to move this amendment. I do not want to take much of the time of the House. I would like to give my views in brief.

The idea behind the fundamental duties is to cherish the noble ideas of freedom and the national struggle of our country. But I can certainly say, unless the people of this country who are holding responsible positions in our country are aware of the national history, how can they cherish the national struggle for our country? I do not like to mention the name of the persons here. I know a few of the names; at least, a Governor who came to our State a few years ago did not know who was Raja Ram Mohan Roy. I know a few District Commissioners who never knew

about the Dandi March of Mahatma Gandhi, never knew about the INA of Subash Chandra Bose. Fortunately or unfortunately these are the people who decide the fate of our people. No doubt, these people have degrees. They know drafting in English. They know English and French. They are knowledgeable men in modern science and technology but are deaf and dumb about the national struggle of our country.

So, if the Law Minister and the Government are seriously thinking that the country's citizens should be in tune with the noble ideals of our national struggle of this country, this should not be just mere wishful thinking. It should be made more specific. For this reason I have introduced an amendment. Any citizen who used to take his job in the executive in the Government, in various other jobs of the country should, during his student days at the end of his educational career, pass an examination. he has to compulsorily pass this subject called 'The History of National Struggle of the country'. In the Soviet Union, in China, even in France or in the United States study of nearly all their revolution is taking place. This is so in the Socialist countries of the world. They know about Lenin. They know about Mao-tse Tung. Every person, every doctor, every nurse would know about all these things. In America the concept of Abraham Lincoln is being taught to them. But in poor India it is no compulsory for the citizen of the country to know about Gandhiji except on 2nd October when bureaucratic officials in the presence of VIPs pay their respects to Gandhiji. In our educational sphere it is the duty of all citizens in all faculties from minor to graduate degree and in all competitive examinations like UPSC, PSC and IAS to get pass marks in the history of national struggle. Compulsorily they

[Shri Priya Ranjan Das Munsi]

have to learn these things. It should be their national duty. Otherwise this will only be farce, so to say. There is a governor who does not know who is Raja Ram Mohan Roy. There are persons not knowing Babu Rajendra Prasad in Bihar, Bardoli in Assam, Lajpat Rai in Punjab, Tailk and Gokhale in Maharashtra. Yet, they occupy executive positions in the country. They are persons who have no idea of the national struggle because they have not considered it an important thing.

Secondly, I have said that there should be compulsory military training in schools and colleges for able-bodied youngmen. I am not saying all youngmen. Socialism is itself a revolution. Compulsory military training does not mean bringing arms. We have to maintain our morale and our character. This idea of fitness should be there among our youth. Their energies should be at the disposal of the country whenever exigencies arise. The country's morale should always be alert. So, this training at school and college level is very essential for keeping them in physical fitness. Millions and millions of persons are waiting for jobs in the country. At least let them have some physical fitness through military training. In 1962 during compulsory NCC training, I was in the college. 90 per cent of the students were attuned to discipline only due to the compulsory NCC training. Whatever allowance they used to get they considered to be a prize of the nation for them. Now this idea is lacking. Whatever may be the highest certificate in NCC which they get, they are not considered for any part in the army. This compulsory military training will keep the country in readiness and will help us in our security, it will keep us in a state of national alertness and national preparedness.

Then I have said that there should be compulsory physical culture and

sports in all spheres of the youth and students. This is the duty of every college and university. There are vacancies in the posts of physical instructors. There is gymnasium, but nobody goes there. We have playgrounds without coaches. These should be rectified. This is a national duty. Only then we will be able to build up the elements necessary for bring-ign in socialism. Wishful thinking alone will not make the nation great.

Well, we quote the Gita but, the concept of the Gita is not vague. "Sanjay" gives his views on the Gita. Then it had been explained by Lord Krishna and, ultimately, approved by Arjun.

This is a reality in every specific matter. So, here if it is only an utterance or a wishful thinking, it would not be implemented in real practice. That is why I have moved this amendment. I feel that the Law Minister will accept the spirit behind it.

✓ SHRI DINESH CHANDRA GOSWAMI: Mr. Chairman, Sir, I heartily welcome the incorporation of this new clause on fundamental duties.

In fact, I had the privilege of moving the motion on the President's Address this year and I made a mention that our Constitution was a rightoriented Constitution that it represented the duties alone and the time has come to restore the balance of the Constitution by incorporating a Chapter on duties. I am happy that to-day the Law Ministry and the Government have brought forth a Chapter on Fundamental Duties.

My friend Shri Das Munsi was lamenting that many persons did not know the names of eminent people—important freedom fighters and the social reformers of this country. This reminds me of a story. Once an American troupe was posted in a particular area in the thick of the

battle. The sentry of the troupe who was on duty one night saw someone approaching and asked as to who he was asked to prove that by singing that he was an American soldier. He was asked to prove that by singing the national anthem. He could sing only the first line and faltered when he sang the second line. The sentry said you must be an American. You can go. This is the situation in our country also where most of us do not know the important events of our lives. Mr. Dhote was complaining and he had given a list of some fundamental duties to be incorporated in our Constitution. I feel that the Constitution should not lay down the fundamental duties as to what one should do right from the morning till the night. It should only give some guidelines.

Mr. Dhote said that he got the inspiration from Mahatma Gandhi in listing these amendments to fundamental duties. This is precisely what we have said in clause (b) to cherish and follow the noble ideals which inspired our national struggle for freedom. To a certain extent, I feel that our Constitution laid emphasis on rights alone because of this fact that it followed the model of the British system and in the British Constitution, the people had to fight for long for the restoration of their rights from the Crown. And probably the founding fathers of our Constitution thought at that time that the high spirit and dedication in the freedom struggle will continue to dominate our people after independence, also. Unfortunately, it has not been the experience so far. Now, I have introduced a small amendment about which several friends have also said. That is the incorporation of the words 'caste and community' in this particular Clause. There has been a lacuna to which I want to draw the attention of the Law Minister. I had been attending a number of Lawyers' conferences and I had the privilege of participating in many where this has also been pointed out. You will kindly see Art. 31D, sub-clause (v)

"One can declare an organisation or association as anti-national 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,". Therefore, if somebody threatens or disrupts harmony between different religious, racial, language or regional groups or castes or communities, that association comes under the mischief of anti-national organisation. And we can take action against it. But, we do not see that maintenance of harmony between castes and communities has been laid as a fundamental duty of a citizen. Look to the wording in clause and you will find that the Parliament can declare an organisation anti-national on the ground that it preaches disharmony between different religious, racial, language or regional groups or castes or communities. We can take action. But, in the Fundamental Duties, we find the incorporation of the first one namely 'to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities' under (e). We do not find the last one. The impression will be as if we do not have a fundamental duty to that effect. Therefore, I feel this is a gross lacuna in drafting which should be removed.

Apart from the merits, I hope the Law Ministry will give very serious thought to it. When I say that one should not preach disharmony between castes and communities, we also mean, at the same time, that the rights of the Scheduled Castes and guaranteed by the Constitution, will be maintained. But we all know the vicious political climate which is created in the name of caste and community. I feel this is one of the fundamental duties which we should have. Incorporation of the provision I mentioned under 31D and the omission of these words in article 51A is bound to lead to a lot of misapprehension. I hope the Law Ministry

(Shri Dinesh Chandra Goswami)

will accept this amendment which has come from various quarters. As to how you put the words in drafting, it is of course, the Ministry's lookout.

श्री कमला मिश्र 'मधुकर' (कसरिया) :
समापति जी हमारा संशोधन संख्या 460 है जिसमें हमने कहा है—'श्रम की गरिमा और श्रमजीवी लोगों के लोकतन्त्रीय अधिकारों का आदर करें' को पंक्ति 28 के पश्चात् जोड़ा जाय। जो फण्डामेंटल ड्यूटीज का चेंप्टर है, उसमें हमने यह संशोधन रखा है।

ला मिनिस्टर ध्यान देंगे—“जो उन्होंने इस बिल के उद्देश्यों में कहा है—“यदि संविधान के विकास में अवरोध हुआ तो वह विरूप हो जायगा। हमारा उद्देश्य देश में सामाजिक और आर्थिक क्रान्ति लाना रहा है। इस क्रान्ति से गरीबी, अज्ञान, बीमारी और असमानता दूर होगी। इस क्रान्ति के मार्ग में जो बाधाएँ हैं उनकी ओर कुछ वर्षों से सरकार का ध्यान गया था और जनता का भी”। उन्होंने आगे कहा है—“अतएव कुछ बातें आवश्यक हो गयी हैं। इसीलिए संविधान में समाजवाद, धर्म-निरपेक्षता और राष्ट्र की अखण्डता के उच्च आदर्श अभिव्यक्त रूप से रख जा रहे हैं।”

आप सोचिये, जो हमने संशोधन रखा है उसमें हमने उनके काम को सरल बनाया है। जो आपने उद्देश्य रखा है, उसी के सन्दर्भ में हमने यह संशोधन रखा है। जो आपका उद्देश्य है वह इससे सबल होगा। अपने संशोधन के जरिए मैं मन्त्री जी को सबल बनाना चाहता हूँ उनके उद्देश्यों की पूर्ति में सहायक बनना चाहता हूँ।

हालांकि हमारी पार्टी के तमाम संशोधनों में से कोई पास नहीं हो रहा है फिर भी मैं कहूँगा कि यह संशोधन सरकार को मान

लेना चाहिए। जो संविधान विधेयक पेश किया गया और जिन उद्देश्यों से यह लाया गया है, उन उद्देश्यों की पूर्ति के लिए मैंने यह संशोधन रखा है। हम नहीं चाहते कि जो त्रुटियाँ इस बिल में रह गयी हैं उनमें हम सहायक बनें। मुझे सन्देह है कि जब आप और संशोधनों को नहीं मान रहे हैं तो कहीं इसका भी ऐसा ही हथ्र न हो।

दुनिया में श्रम की मर्यादा उसी दिन खत्म हो गयी थी जिस दिन दास प्रथा का जन्म हुआ। 29-30 वर्षों के बाद भी हम श्रम की मर्यादा को महत्व नहीं देने जा रहे हैं। धर्म की जो गरिमा है वह श्रम की मर्यादा से है। मैंने अपने चेयरमैन साहब का भाषण बड़े ध्यान से सुना था। वे भी जानते हैं कि देहातों में ट्रवन्टी प्वाएंट प्रोग्राम की क्या दशा होती है। जो अपनी न्यूनतम मजदूरी मांगता है, उसकी गालियों और जूतियों से पिटाई होती है। हमारे पास तार आया है जिसमें लिखा है कि नरहराज घाने के तीन-चार गांवों में न्यूनतम मजदूरी के लिए संघर्ष चल रहा था। वहाँ मजदूरों ने जब न्यूनतम मजदूरी मांगी, बनिहारी मांगी तो जमींदारों ने उनके घर जला दिये। यह मैं मुजफ्फरपुर जिले की बात कह रहा हूँ। इस तरह आप सोचिए, जब आप समाजवाद का इतना ऊँचा आदर्श इसमें रख रहे हैं, धर्म निरपेक्षता की बात आप करते हैं वहाँ श्रम की यह हालत हो। श्रम से ही सम्पत्ति पैदा होती है, यह जो पार्लियामेंट का माहौल है, यह भी श्रम से ही पैदा हुआ है। उस श्रम की यह दशा चल रही है। श्रम को जब तक आप मान्यता नहीं देंगे तब तक समाजवाद अधूरा रहेगा। मजदूर जब पूरी मजदूरी मांगता है तो उसकी यह हालत की जाती है। उसकी समय पर मजदूरी नहीं दी जाती है। मालन्दा जिले में, मुंगेर जिले में छेत मजदूरों के बहादुर लोगों की इस मजदूरी के लिए हत्या करा दी गयी।

आपकी फीट्टियों में क्या हो रहा है ।
 वेस्ट बंगाल में तथा दूसरी जगहों पर ले आफ;
 तालाबन्दी हो रही है । यह है आज हमारे
 देश में श्रम की मर्यादा । प्रधान मंत्री ने
 बार बार कहा है कि एमरजेंसी के पहले
 और बाद में भी हिन्दुस्तान के श्रमिक वर्ग
 ने सरकार का साथ दिया है, उसने प्रतिक्रिया-
 वादी शक्तियों का साथ नहीं दिया है, फासिस्ट
 शक्तियों का साथ नहीं दिया, उसने उत्पादन
 बढ़ाया है । लेकिन आपने उनके लिए नए
 कानून बनाए, उनके बोनस में कटौती की है,
 तरह तरह के उनके रास्ते में अड़ौने लगाए ।
 ये जो अड़ौने लगाए गए हैं ये यह बताते हैं कि
 किस तरह से उनके हितों का ध्यान नहीं रखा
 जा रहा है, किन तरह से श्रम की प्रतिष्ठा को
 कम किया जा रहा है । इस वास्ते आवै-
 जक्तिवली आपको सोचना चाहिये और उसके
 लिए कुछ इस तरह के काम करने चाहिये
 जिससे श्रम की मर्यादा बढ़े, उसको प्रतिष्ठा
 मिले, उसके हितों की रक्षा हो । हमारे
 संशोधन को अगर आप मान लेते तो एक कदम
 और आप आगे बढ़ सकते थे । आज भी जो
 उद्देश्य आपने इन संशोधनों को लाकर सामने
 रखा रखा है उसको आपको पूरा करना
 चाहिये । मूलभूत कर्तव्य जो हैं उनका एक
 उदाहरण मैं आपको हिन्दुस्तान का नहीं
 बल्कि पूर्व जर्मनी का देना चाहता हूं । उसके
 बारे में एक आर्टिकल निकला है । वहां पर
 एक बच्चे से पूछा गया डू यू नौ हिटलर ।
 उनके उत्तर में उसने कहा :

Yes, I know him, he was a great
 tiller, not a great man.

इससे आप अन्दाजा लगा सकते हैं कि किस
 तरह की शिक्षा वहां बच्चों को दी जाती है ?

वे न केवल यह जानते हैं कि वह एक नेतृ था
 बल्कि यह भी जानते हैं कि वह एक किलर था ।
 इस तरह का वातावरण आपको यहां भी
 बनाना चाहिये । इस प्रकार की शिक्षा आपको
 अपने बच्चों को यहां भी देनी चाहिये, ऐसी
 शिक्षा देनी चाहिये जिसमें वे अपने कर्तव्यों
 से परिचित हों और उनका पालन भी करें ।
 जहां आप मूलभूत कर्तव्यों पर जोर देते हैं वहां
 आपको वस्तुस्थिति जो है, जो सामाजिक,
 राजनीतिक, शैक्षणिक स्थिति है उस पर भी
 ध्यान देना होगा । मूलभूत कर्तव्यों से ही काम
 नहीं चल सकेगा । हमारे शास्त्रों में, हमारे
 धर्म ग्रन्थों में, रामायण में, महाभारत में,
 कर्तव्यों की बहुत ज्यादा चर्चा है । महात्मा
 बुद्ध, महारामा गांधी, मुहम्मद साहब ने बहुत
 सी बातें कर्तव्यों के लिए कहीं । उनके बावजूद
 जो यथार्थ है उसकी ओर से आप मुंह नहीं मोड़
 सकते हैं । आर्थिक, सामाजिक, राजनीतिक
 स्थिति जो है उसको आप देखें । वर्गगत समाज
 में श्रमिक वर्ग की जो दुर्दशा हो रही है उसको
 आप देखें । फिर कर्तव्यों का चेंप्टर कितना
 परस्पर विरोधी है इस पर आपने ध्यान नहीं
 दिया है । मालूम पड़ता है कि इसको आपने
 सोच समझ कर नहीं लिखा है । आप कहते हैं
 कि प्राणी मात्र पर दया की जानी चाहिये
 लेकिन आप कहते हैं कि वैज्ञानिक दृष्टिकोण
 अपनाया जाए । डागा जी ने जगदीश चन्द्र बसु
 का हवाला दिया है । विज्ञान कहता है कि
 छोटे से छोटे प्लांट में भी प्राण होते हैं इस
 वास्ते अगर दया करनी है तो मूर्खी नहीं खानी
 चाहिये, अंडा नहीं खाना चाहिये, प्राणी मात्र
 का ख्याल रखना चाहिये । अब अगर विषैले
 इन्सेक्ट को मारा जाता है विषैले साप को मारा
 जाता है तो अगर दया वाली बात ली जाए तो
 वह नहीं होना चाहिये, वह दया का पात्र हो
 सकता है । लेकिन कर्तव्य यह कहता है कि
 उसको मारा जाय ।

आपने देश की रक्षा की बात कही है ।
 वह हमको मान्य है । हमारी पार्टी के लोगों ने
 बार बार आश्वासन दिया है इसके बारे में

[श्री कमल मिश्र 'मधुकर']

हम इससे सहमत हैं। लेकिन हमारा जो वर्गीय समाज है इसमें क्या हो रहा है। बिड़ला, टाटा एक तरफ तो मजदूरों की छंटी करते हैं और दूसरी तरफ बिड़ला जैसे लोग मन्दिर बनवाते हैं। ये परस्पर विरोधी बातें हो रही हैं। मजदूरों को दबाया जा रहा है। अब मजदूर टाटा और बिड़ला पर दया करें या टाटा और बिड़ला मजदूरों पर दया करें। जमींदार खेती हर मजदूरों का शोषण करते हैं। जब आप समाजवाद लाना चाहते हैं तो आपको ही पार्टी के सदस्यों ने कहा है कि सम्पत्ति के अधिकार को आप खत्म करें। इसको आपने खत्म नहीं किया है। इसको आपको खत्म कर देना चाहिये। जब तक जमींदार बने रहेंगे, पूंजीपति बने रहेंगे और साथ साथ मजदूर और खेतीहार मजदूर बने रहेंगे समाजवाद नहीं आयेगा। आपको डिगमिटी आफ लेबर सही अर्थों में लानी होगी। जो संशोधन हमने दिया है उसको फिर से आप देखें। मजदूरों के हितों की आप रक्षा करें ताकि यह भावना पैदा हो सके कि मजदूर ही घरेलू के समुच्चय घन को पैदा करने वाले हैं। मजदूरों के जनतंत्रीय अधिकारों की रक्षा होनी चाहिये जो आज नहीं हो रही हैं।

श्री चिरञ्जीव सा (सहरसा) : सभापति जी, प्रथम बार संविधान में नागरिकों के मूल कर्तव्यों का प्रकरण जोड़ा गया है। इसके लिये मैं मंत्री जी, सरकार तथा खासकर सरदार स्वर्ण सिंह वमेट्टी को धन्यवाद देता हूँ। अधिकार की बात तो बराबर चलती रही है और उस अधिकार की प्राप्ति के लिये नागरिकों के आये दिन आन्दोलन भी होते रहे हैं। लेकिन कर्तव्य की बात की कभी भी कोई चर्चा नहीं बनता था। अधिकार और कर्तव्य एक ही सिक्के के दो पहलू हैं। अगर कर्तव्य नहीं तो फिर अधिकार की बात ही कहाँ से उठती है।

हाँ तक मेरा संशोधन है आप देखेंगे वि. सं. 11 के 51क के खण्ड (ख) में

जहाँ यह लिखा हुआ है "कि स्वतन्त्रता के लिये हमारे राष्ट्रीय आन्दोलन को प्रेरित करने वाले उच्च आदर्शों को हृदय में संजोये रखें और उनका पालन करें" सभापति जी, उस में "पालन करें" के स्थान पर सिर्फ इतना ही जोड़ने का संशोधन दिया है कि "पालन करने तथा कार्य रूप देने में सदैव सत्य और अहिंसा के मार्ग का अवलम्बन करें जो हमारे राष्ट्रीय आन्दोलन का भी पवित्र साधन था"। अभी कुछ मित्रों ने चर्चा की और बताया कि जिस समय राष्ट्रीय आन्दोलन चल रहा था उस समय बीर भगत सिंह भी राष्ट्रीय भावना से प्रेरित थे और मातृभूमि की स्वतन्त्रता चाहते थे, लेकिन उनका अपना एक अलग रास्ता था। ऐसे ही और भी बहुत से लोग थे जिनका अपना भिन्न रास्ता था। किन्तु राष्ट्रपिता महात्मा गांधी ने देश को अभिनव, शिष्ट और सर्वोत्तम अपना एक दूसरा रास्ता दिया, सत्य और अहिंसा का। तो आज जो लोष हिंसात्मक आन्दोलन करते हैं अपने अधिकार के नाम पर और कोई मांग रखते हैं तो उस मांग की पूर्ति के लिये वह लोग भी उसी तरह का आन्दोलन प्रारम्भ करते हैं जिस तरह के आन्दोलन की अपेक्षा न तो देश रखता है और न वह उचित हो है। तो इस बारे में हमारे संविधान को स्पष्ट निर्देश देना चाहिये कि उस तरह के आन्दोलन के लिये कर्तव्य रूप में हमारा साधन क्या है तथा उस उद्देश्य को प्राप्त करने के लिये कौन सा विधि-सम्मत उचित साधन है, रास्ता है। विधि मंत्री ने भी मूल कर्तव्य के इस खंड में स्वतन्त्रता के लिये हमारे राष्ट्रीय आन्दोलन को प्रेरित करने वाले उच्च आदर्शों की बात कही है तो वह उच्च आदर्श हमारा क्या था और साथ ही उसको प्राप्त करने का साधन भी कितना पवित्र था तो हमारा साधन वही सत्य और अहिंसा का था जिस को राष्ट्रपिता महात्मा गांधी ने दिया था। उनका कहना था कि उच्च और महान आदर्श

तथा उद्देश्य की प्राप्ति के लिये साधन भी उतना ही उच्च और पवित्र होना चाहिये ।

सभापति जी, आप जानते हैं कि विगत वर्षों में बिहार में, गुजरात में, और अन्य जगहों में जो आन्दोलन हुए उनके साध्य और साधन क्या थे । इस तथाकथित सम्पूर्ण क्रान्ति के प्रणेता और उनके सहयोगी थे वे लोग केवल असत्य का प्रचार करके लोगों में भ्रम, घृणा फैला कर के हमारे युवकों को उमाड़ते थे और उनको हिंसा के लिये प्रेरित करते थे । तो अगर हमने भावी पीढ़ी के लिये स्पष्ट निर्देश न दिये कि हमारा मार्ग क्या है, उस मार्ग का अवलम्बन करके हम अपने इष्ट को प्राप्त करने का प्रयास करें, तो मेरी दृष्टि में यह उचित नहीं होगा । आगे जब कभी इस तरह की समस्या आयेगी तो पुनः मन्त्री जी को उस पर विचार करना ही पड़ेगा । अतः क्यों न हम अभी उस आशंका को सदा सर्वदा के लिये निर्मल हो कर दें । इसलिये हमारा मंत्री महोदय से यह निवेदन है कि इस निर्दोष संशोधन को बहुस्वीकार कर ल, जिससे किसी तरह का व्यवधान उपस्थित होने वाला नहीं है, बल्कि यह व्यवधान का समाधान ही है ।

जो लोग इस सम्पूर्ण क्रान्ति के प्रणेता हैं, वह भी गांधी जी का ही नाम लेते हैं और लेते थे और उन्हीं के नाम की दुहाई देते थे । लेकिन उन्हीं ने कभी यह नहीं समझा कि एक साधारण सी हिंसा की घटना के कारण ही चोरीचोरा कांड में गांधी जी ने अपने आन्दोलन को स्थगित कर दिया और प्राश्चितस्वरूप उपवास किया । किन्तु इन लोगों के आन्दोलन में हुई हिंसा की वारदातें सब तरफ हुई, तोड़फोड़ होती रही और आगजनी भी हुई, वह सब इन लोगों की आंखों के सामने होती रही, फिर भी इनकी आंखों नहीं खुली और रोंगटे नहीं खड़े हुए । कभी इन लोगों में से किसी ने इस तरह की घटना की भर्त्सना

नहीं की । क्या आगे भी इसकी सम्भावना से इन्कार किया जा सकता है ? मात्र निष्क्रिय राजनीतिक स्वार्थ और ईर्ष्या के चलते, इन्दिरा गांधी जी को पद से हटाने तथा कांग्रेस को पदच्युत करने की दुराशा और दुर्भावना से प्रेरित होकर ही इन लोगों ने अराजकता, अनुशासनहीनता और उपद्रव का माहौल खड़ा किया था । इस तरह की धारणा लेकर जो काम होंगे उनको कैसे उचित माना जा सकता है । वह दिन देश, राष्ट्र और समाज के भविष्य के लिये अच्छा नहीं होगा ।

सभापति जी, स्वतन्त्रता आन्दोलन में भाग लेने वाले लोग, स्वतन्त्रता-सेनानी अब एक-एक करके इस दुनिया से चलते जा रहे हैं । स्वतन्त्रता आन्दोलन के युग के अन्य लोग भी इसी तरह चलते जा रहे हैं । आज जिन लोगों की उम्र 30, 35 साल की है, उनको यह पता नहीं है कि स्वतन्त्रता आन्दोलन किस तरह से हुआ और स्वतन्त्रता किस मार्ग से प्राप्त की गई और उसके क्या साधन थे । इसलिये उन्हें निर्देश देने के लिये यह आवश्यक है कि हम अपने संविधान के द्वारा इस तरह का स्पष्ट निदेश दें और बता दें कि अभीष्ट प्राप्त करने का कौन सा विधि-सम्मत उचित मार्ग है, किस साधन के द्वारा हमें उसकी प्राप्ति करनी है ।

आज इन्हीं सब कारणों से तो आपात स्थिति आई और तब हमारी राष्ट्रीय नेता प्रधान मंत्री का 20-सूत्री कार्यक्रम आया । बाद में हमारे नौजवानों को श्री संजय गांधी का प्रगतिशील नेतृत्व मिला ।

और उन्हीं भी जो 5-सूत्री कार्यक्रम दिया है, उससे हमारे युवकों और नौजवानों को प्रेरणा मिली है, और वे लोग सही रास्ते से आगे बढ़ रहे हैं । इसलिये यह और भी आवश्यक है कि 'सत्य' और 'अहिंसा' को ही किसी भी राष्ट्रीय, सामाजिक या किसी

[श्री चिरंजीव झा]

अन्य उद्देश्य की प्राप्ति के लिये साधन के रूप में प्रयोग करने का स्पष्ट निर्देश संविधान द्वारा दिया जाय।

दूसरा मेरा संशोधन 440 है जिसके बारे में मैं एक ही बात कहना चाहूंगा। मैं चाहता हूँ कि खण्ड (ड) में "धर्म" शब्द के बाद "जाति" शब्द का समावेश हो जाना चाहिये। जैसा हमारे दूसरे मित्रों ने भी कहा है कि जाति के नाम पर आज बहुत ही अनाचार और दुराचार हो रहा है? हरिजन लोग हिन्दू हैं और वे हिन्दू हैं तो धर्म के नाम पर सवर्ण कहे जाने वाले हिन्दू आज भी उन पर अत्याचार क्यों करते हैं? इस तरह "धर्म और जाति" के नाम पर आये दिन दर्दनाक वारदातें और बहुत खूनखराबी होती है। इसलिये "जाति" शब्द को इसमें जोड़ा जाना ही चाहिये। इससे इस तरह का अनाचार करने वालों पर अंकुश लगेगा।

17.00 hrs.

श्री शंकर ब्याल सिंह : सभापति महोदय, मूल कर्तव्यों के सम्बन्ध में एक नया परिच्छेद संविधान में जोड़ा जा रहा है। इसे शुरू में ही जोड़ा जाना चाहिये था। अब तक ऐसा नहीं किया गया है, यह आश्चर्य की बात है।

राष्ट्रपिता महात्मा गांधी ने 26 मार्च, 1931 को यंग इंडिया में लिखा था :

"अधिकारों की उत्पत्ति का सच्चा स्रोत कर्तव्यों का पालन है। यदि हम सब अपने कर्तव्यों का पालन करें, तो अधिकारों को ज्यादा बढ़ने की जरूरत नहीं पड़ेगी। लेकिन यदि हम कर्तव्यों को पूरा किये बिना

अधिकारों के पीछे दौड़ें, तो वह मृग मरीचिका के पीछे पड़ने जैसा ही व्यर्थ सिद्ध होगा।"

मूल कर्तव्यों की सूची को देख कर मुझे बड़ा ताज्जुब, निराशा और दुख हुआ, और उससे भी बढ़ कर चिन्ता हुई। 51 क(क) में कहा गया है : "संविधान का पालन करे और उसके आदर्शों, संस्थाओं, राष्ट्रध्वज और राष्ट्रगान का आदर करे।" यह बिल्कुल ठीक है। कोई राष्ट्र तब तक राष्ट्र नहीं कहा जा सकता है, जब तक वह अपने राष्ट्र-ध्वज और राष्ट्र-गीत का सम्मान न करे। लेकिन उसके साथ ही कोई भी राष्ट्र तब तक राष्ट्र नहीं कहा जा सकता है, जब तक उसकी अपनी राष्ट्रभाषा न हो।

हमारी राष्ट्रभाषा है, जिसे संविधान में राजभाषा कहा गया है। वह राजभाषा हिन्दी मानी गई है। संविधान सभा ने इस विषय पर बड़ी गम्भीरता के साथ विचार किया था। हमारे पुण्य नेता, पंडित जवाहरलाल नेहरू ने 13 सितम्बर, 1949 को संविधान सभा में कहा था :

"But, at the same time, it created a great gulf between us, who knew Hindi and those who did not know Hindi, and that was a fetter for the progress of the nation. That is a thing which certainly we cannot possibly tolerate, and hence this problem."

उसके बाद संविधान सभा ने यह निर्णय किया था कि देश की राजभाषा, आफिशल लैंग्वेज, हिन्दी होगी, क्योंकि कन्याकुमारी से लेकर काश्मीर तक लोग हिन्दी समझते हैं, बोलते हैं और कुछ लिखना पढ़ना भी जानते

हैं और इसलिये हिन्दी में ही राजभाषा बनने का सामर्थ्य है ।

इसलिए मैंने यह संशोधन पेश किया है कि राष्ट्र-ध्वज और राष्ट्र-गान के साथ-साथ राजभाषा का सम्मान करने की भी बात मूल कर्तव्यों में सम्मिलित की जाये । जब हम कहते हैं कि संविधान का पालन करना चाहिए और उसके आदर्शों तथा संस्थाओं का आदर करना चाहिये, तो संविधान में लिखा हुआ है कि हिन्दी हमारी राजभाषा और देवनागरी हमारी लिपि है ।

हिन्दी के सम्बन्ध में जब कुछ लोग बेतुकी बातें कहते हैं, तो बड़ा आश्चर्य होता है कि हम कैसे उसको सहन कर लेते हैं । हिन्दी के विरुद्ध इस सदन में एक-आध राजनैतिक पार्टियों ने कहा है, या एक-आध ऐसे लोगों ने कहा है, जो नामिनेटिड हैं, जिनके पूर्व-वर्णजों ने चाहा था कि हम अपनी भाषा को, एक विदेशी भाषा को, हिन्दुस्तान पर लाद दें, और वे उनकी वकालत करते रहे हैं ।

बिना राष्ट्र-भाषा के राष्ट्र गूंगा होता है । गांधीजी की आत्मा आज यह देख कर दुखी हो रही होगी कि इस देश में और सब कुछ तो किया गया लेकिन राष्ट्रभाषा की उपेक्षा की गई । मैं स्पष्ट शब्दों में कहना चाहता हूँ कि हम अपने देश की सभी चौदह भाषाओं का आदर करते हैं और वे सब हमारी राष्ट्रभाषायें हैं । हमारा झगड़ा और तकरार तो अंग्रेजी भाषा के साथ है, एक विदेशी भाषा के साथ है, जो गुलामी का प्रतीक है । अंग्रेज चले गये, लेकिन वे हमारे माथे पर इतना बड़ा कलंक का टीका लगाकर गये हैं कि जब तक हम उसे पोंछ नहीं लेते हैं, तब तक हमारा राष्ट्र बिल्कुल निष्कलंक नहीं हो सकता है ।

मैं विधि मंत्री से यह अनुरोध करना चाहता हूँ कि जो कुछ मैं कह रहा हूँ, वह मेरा

व्यक्तिगत निवेदन नहीं है, बल्कि वह देश के करोड़ों लोगों की भावना है, जो मैं उन तक पहुंचा रहा हूँ । हाल ही में मारीशस में विश्व हिन्दी सम्मेलन हुआ और उसके बाद प्रधान मंत्री, श्रीमती इन्दिरा गांधी, वहां गांधी संस्थान का उद्घाटन करने के लिए गई थी । जो विश्व हिन्दी सम्मेलन हुआ उसमें 33 देशों के प्रतिनिधियों ने भाग लिया । उन को यह सुन कर बड़ा आश्चर्य होता था कि हिन्दुस्तान में अभी भी अंग्रेजी चल रही है और इससे भी दुख की बात यह है कि पार्लियामेंट के हम तीन चार सौ सदस्यों ने प्रधान मंत्री जी को एक ज्ञापन दिया कि यू० एन० ओ० में हिन्दी को स्थान मिलना चाहिए इसलिए कि विश्व में हिन्दी बोलने वालों की संख्या तीसरे नम्बर पर है । लेकिन दुख की बात यह है कि वे लोग चाहते हैं कि हिन्दी न हो जो यह जानते हैं कि हिन्दी होगी तो हम किस मुंह से वहां जायेंगे, ऐसे अधिकारी इसका विरोध कर रहे हैं क्योंकि हिन्दी अगर हो गई तो हमारी तो रोखी रोटी चली जायगी । वे समझ रहे हैं कि हिन्दुस्तान की ओर से जायें और हिन्दी ही न जानें तो कैसे काम चलेगा । इसलिए मैं भारत की जनता की ओर से मंत्री महोदय से यह प्रार्थना करता हूँ कि "संविधान का पालन करे और उसके आदर्शों, संस्थाओं, राष्ट्र ध्वज के पश्चात राष्ट्र भाषा और राष्ट्र गान का आदर करे" इस प्रकार से इसमें संशोधन कर दिया जाय ।

दूसरा जो संशोधन मैं ने रखा है वह यह है कि जहाँ आप ने यह रखा है कि "देश की रक्षा करे और आवाहन किए जाने पर राष्ट्र की सेवा करे, यहां मेरा यह कहना है कि सेवा तो सब करते हैं, सेवा छोड़िए, कहिए कि त्याग और बलिदान करे । सेवा के नाम पर सेवा लूटने की पद्धति छोड़िए । सेवा के लिए हर कोई तैयार हो जाता है । हम यह चाहेंगे कि देश के सामने जब कोई प्रश्न चिह्न अंकित हो, देश के सामने कोई मर्यादा का सवाल उप-

[श्री शंकर दयाल सिंह]

स्थान लो, गौरव का सवाल उपस्थित हो तो हर नागरिक त्याग और बलिदान करने के लिए तैयार रहे। यह बहुत आवश्यक है।

तीसरी बात मैं यह कहना चाहता हूँ कि धर्म के आगे जाति आप जोड़िए। वह इसलिए कह रहा हूँ कि हमारे यहाँ केवल धार्मिक विद्वेष ही नहीं हैं। जाति-जाति के बीच भी एक खाई पैदा हो जाती है जिस से हमारा समाज बड़ा संकुचित हो जाता है।

इसके बाद (छ) के अन्दर मैंने नदी और वन्य जीवों के साथ साथ पक्षियों की भी चर्चा की है। मैंने यह कहा है कि आप नदी और वन्य जीवों के साथ पक्षियों को भी जोड़ दीजिए। वह इसलिए कि जब मयूर को आप ने राष्ट्र पक्षी मान लिया और घोषित भी किया है तो कुछ ऐसे पक्षी भी हैं जिन के वंश आज लुप्त होते जा रहे हैं। संसार के कई बेचारे चहचहाते हुए पक्षी जिनकी जबान हम चुरा लेते हैं, कभी-कभी जिन्हें हम पिंजरे में बन्द कर के मनोरंजित होते हैं, ऐसे पक्षियों का भी धिक्क उस में होना चाहिए और उन की भी रक्षा होनी चाहिए।

(ज) के अन्दर मैंने यह कहा है कि वैज्ञानिक दृष्टिकोण, मानववाद और ज्ञानार्जन के साथ-साथ सांस्कृतिक मर्यादा की बात भी हम उस में करें। वह इसलिए मैंने कहा है कि जब तक हम अपनी संस्कृति के प्रति, अपने इतिहास के प्रति आदर का भाव नहीं रखते हैं तब तक हम अपने मुल्क के प्रति भी सच्चा प्यार नहीं रख सकते हैं। (अवधान)

अन्त में मैं केवल एक छोटी सी बात और कहना चाहता हूँ। हमारा देश जिस दिन आजाद हुआ 1947 में उस दिन बी० बी० सी०

के प्रतिनिधि गांधी जी के पास गए और कहा कि आप कुछ मेसेज दे दीजिए। गांधी जी ने अपना मेसेज हिन्दी में शुरू किया तो बी० बी० सी० के अधिकारियों ने कहा कि अंग्रेजी में दे दीजिए। गांधी जी ने कहा कि दुनिया से कह दो कि गांधी अंग्रेजी नहीं जानता। क्यों कहा? भावा का प्रश्न नहीं है। मैं भी अंग्रेजी पढ़ता हूँ, अंग्रेजी से प्यार करता हूँ, प्रेम करता हूँ, उस का आदर करता हूँ, शेक्सपीयर के प्रति सिर नवाता हूँ लेकिन यहाँ तो राष्ट्र की चेतना का प्रश्न है। इसलिए आप ने जो स्थान ध्वज को दिया है और जो स्थान राष्ट्र गान को दिया है वही स्थान आप राष्ट्रभाषा को दीजिए। मैं समझता हूँ कि विधि मंत्री जी जब खड़े होंगे बोलने के लिए तो सब से पहले यही एलान करेंगे कि शंकर दयाल सिंह का एक संशोधन मैंने मान लिया और वह संशोधन राष्ट्रभाषा के संबंध में है।

श्री एम० राम गोपाल रेड्डी (नजामाबाद) : मेरा कोई संशोधन तो नहीं है लेकिन मैं इस के बारे में अपने भाषण में बोला था, उस वक्त मैंने सिर्फ तीन मिनट लिए थे, मेहरबानी कर के दो मिनट और दे दें तो अच्छा है।

सभापति महोदय : मैं जानता हूँ कि आप क्या बोलेंगे। बात यह है कि इस का और लोग भी फिर उपयोग करेंगे। इसलिए मैं असमर्थ हूँ।

SHRI H. R. GOKHALE: Mr. Chairman, I want to make a very brief reply and perhaps I am in a situation where again I am disappointing my hon. Members with regard to their amendments. The reason is this. First of all, for the first time, in this Constitution and perhaps not in many other constitutions, we have got a set of duties laid down for the citizens. For the first time, in our country, we

are having an innovation of this type which has been welcomed by all. There might be a difference of opinion as to whether a particular clause should be changed or should not be changed or whether anything new should be added or not. But everyone agrees with us why we are providing for this thing.

It is really a matter of great satisfaction that this idea to have a new chapter on duties is universally unanimously accepted by this House. The second thing is that if you look at the duties, one thing is very clear that no duty howsoever important it may be is included here which can be said to be controversial either on the ground of political views or on the ground of any other views, because these are duties which are meant for every citizen irrespective of his political views or other views. No one can say that somebody has got a different political persuasion and a duty has been thrust upon him in which he does not believe. If you look at each one of these duties, I dare say that no citizen who has the good of the country at heart and who is a person who believes in following duties will say that he does not regard these duties as legitimate duties and they are being imposed on him. No political consideration, no consideration of partnership has come at all in the formulation of these duties. That is a very important feature of these duties.

Therefore, I am very reluctant to include anything in this which will give rise to a complaint on the part of any citizen that something is being done here by Parliament in which, in all conscience, he does not believe and to which he cannot subscribe. If you look at these duties, may I say, they almost read like a poem which has all the beauty and impact which a good poem makes on anyone. (*Inter-ruptions*).

If I may say so, there is a rhythm. I do not agree that there is no rhythm.

It may be that some ideals which are not here which the hon. Members might like to be incorporated here. That is a different matter. The whole point is that almost in every field of activity of a citizen in which in a basic way he ought to be interested, he should say that this was his duty which has been highlighted. Now, he is expected to follow this as one of his fundamental duties. That is why I would repeat this in this Constitution. These fundamental duties are by far the most fundamental. They are very important for the purposes of every citizen of this generation or of the future generation.

For example, it was commented that we were talking of these duties to cherish and follow the noble ideals which inspired our national struggle for independence. It was said that there were some sections during that struggle which were violent. They believed in violence or they believed in activities which were not regarded as forming part of the general struggle for freedom. Whatever that may be, I don't think there can be any doubt in the mind of anybody as to which were the noble ideals, which inspired our national struggle for freedom. The noble ideal which inspired our national struggle for freedom undoubtedly was firstly to free ourselves from the shackles of foreign domination, to get rid of foreign imperialism, to see that politically we become free, in the first instance. But our ideals did not end there, as we said earlier.

In those ideals, there was something like an economic and social emancipation of our people through the implementation of the programmes which will bring about a revolution. It has been said so many times. But I cannot help repeating it. All these were part of our freedom struggle. Our leaders, our people, did not think that the moment the Britishers go out, our ideals are achieved. It was for much wider ideals that the freedom struggle was there. That is how the battle

[Shri H. R. Gokhale]

took place. It does not mean that the ideals were different. The ideals were freedom from political domination; the ideals were to achieve economic and social order for this country which will be regarded really as emancipation of the people from the point of view of raising them up in all respects. Therefore, I do not think that this can become a subject-matter of any controversy.

In fact, as I said the other day, when these Fundamental Duties are adopted, it should be the duty of the States to see that at every level, at every stage of our educational system, these duties should be taught. When you talk of political ideals, you don't simply tell the student that freedom struggle is your duty. You tell the students what are those ideals. That naturally follows. Every teacher will have to tell the students the history of our freedom struggle, the ideals and the objectives for which the freedom struggle was there and how the freedom was achieved by the people, by the leaders, of our country.

A reference was also made to sub-clause (e), to renounce practices derogatory to the dignity of women. It was raised by my hon. friend, Mr. Ebrahim Sulaiman Sait. I did not quite follow what was the objection. It was said that if you have to respect the dignity of women, does it mean, you do not have to respect the dignity of man or of others? Certainly, if you look at this, one would find it easy to understand that women in India had been respected and adored for all times. The whole cultural heritage is such that we have been adoring our women, respecting our women and seeing to it that their dignity is not adversely affected. Still, on account of various factors, certain practices crept in.

To give only one example, there is the practice of dowry. Whose dignity does it very badly affect than the

dignity of women? We have not referred to dowry here because that is not the only one thing which affects the dignity of women. There may be many more things. I do not see how any objection can be raised on the ground that because we must have the respect for the dignity of everyone, there is no reason to mention anything in regard to the practices which are derogatory to the dignity of women.

Whether we like it or not, the fact remains that in this country, on account of these practices, on account of our traditional approach, towards women, the fact lies that women have not received the respect which ought to be there. Today, we are trying in every respect to raise the dignity of women and it becomes our duty to see that every citizen renounces practices derogatory to the dignity of women.

Then, there is sub-clause (h), to develop the scientific temper, humanism and the spirit of inquiry and reform. What is scientific temper? If one applies one's mind to this, it is easy to understand. It is to have a rational approach, not to be dogmatic, not to be bound by heritage which leads to an unscientific determination of any question which comes up for consideration. That is really the scientific temper. Humanism is well understood. The spirit of inquiry and reform means that we should not close our mind. The spirit of inquiry should be there and it should lead us to a consideration of reform we need in our society. Can anyone say that this is not one of the major and important duties which are being prescribed for every citizen?

I do not want to refer to every one of them. But some of these have been mentioned because they were specifically referred to in the course of the discussion here. Some doubts were raised. I think, there is none. There is nothing on which any doubt can be raised. I want to repeat that no person can say with regard to the duties that there is any partisan approach.

17.20hrs.

[MR. SPEAKER in the chair]

No one can say that it reflects a certain political view or that it reflects a certain economic view. This is one which every citizen, whatever his persuasion—political or otherwise—should be willing to accept. It is on this basis that I said that there is a certain harmony and compared it to a poem. Mr. Indrajit Gupta asked me to recite a poem. I cannot recite a poem but I said that there is, in every good poem, harmony and rhythm, there is in every poem an idea, there is in every good poem an emotional impact on the person who has the capacity or the willingness to appreciate it and that, if this is so, comparing it to a poem is the best comparison one can make.

Now, certain duties have been spelt out here. Mr. Bibhutj Mishra asked 'what about the duties of Ministers'? Certainly, Ministers have duties, but the Ministers are first citizens and then Ministers. The Ministers are not exempt from their duties. He said that Ministers should have special duties. But why only the Ministers? From the policeman upwards there are many categories of people in this country functioning in different fields, each one of them important by itself. If you provide for duties for Ministers, then you will have to provide for duties for all of them. This is meant only for the purpose of improving the formulation of duties. Therefore, I think this is excellent. It is not mine and I am not going to take the credit for it; and it is not for that reason that I am emphasizing it. But I may say that part from the many people who have contributed by making suggestions, it is the Prime Minister's hand which you can see in its formulation. It is something where attention has been given at the highest level of the Government and I would like to submit, with the utmost respect for the views that have been expressed by all concerned, that while many things

that have been mentioned are important in themselves, to my mind, they are not significant enough for inclusion here as duties though they may be significant for other purposes.

Now, I think Mr. Dhote or Mr. Alagesan asked why the duty of paying taxes is not included. It has not been done for the simple reason that it is a scheme, it is harmony and it is a high ideal which we are placing before the people in the form of duties and a mundane matter like taxes, for example, will be completely out of place. But that does not mean that there is no duty to pay taxes. Certainly it is a duty of the utmost importance to pay taxes. The law has taken care of it and will continue to take care of it, so far as the duty to pay taxes is concerned. If you are to consider taxes, then there are many other things which you may have to consider. In all humility I would recommend to the House that this Article should be accepted without any disturbance. We should not disturb the harmony of this which really reflects the high ideals we want to place before the people.

Clause 12— (Amendment of article 55)

MR. SPEAKER: Now we will go to Clause 12. There will be only one Amendment by Mr. Alagesan.

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

Page 5, line 5, for "1971" substitute "1951" (323)

I have got three other amendments, namely amendments Nos. 325, 328 and 333 also which seek to make the same change in some other clauses.

The population control programme began much earlier than 1951. Certain States vigorously pursued the programme and certain States did

[Shri O. V. Alagesan]

not. Such of those States who vigorously pursued the family planning programme stand to lose if the allocation of seats in Lok Sabha is done on the basis of the 1971 figures. If you look at the figures of 1952 and 1971, the allocation of seats in the Lok Sabha to various States, you will find that certain States have gained and certain States have lost. The States that have gained are Assam, Bihar, Gujarat, Kerala, Maharashtra, Karnataka, Rajasthan and West Bengal. The States that have lost some seats are Andhra Pradesh, Madhya Pradesh, Uttar Pradesh, etc. What I say is that the States which vigorously prosecuted the programme of population control stand to lose and the States which were loose in enforcing the population control programme stand to gain. Therefore, I suggest that, instead of freezing the population figures at the 1971 census level, we may freeze them at the 1951 census level

SHRI H. R. GOKHALE: I am afraid I cannot accept it because we will be going too far back. We are freezing it at the 1971 level and my friend wants us to go back to the 1951 level. It is not feasible

MR. SPEAKER: Now, we go on to the next Clause, Clause 13.

Clause 13— (Amendment of article 74)

SHRI P. NARASIMHA REDDY: I beg to move:

Page 5, line 10,—

add at the end—

"except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion" (207)

SHRI NIMBALKAR: I beg to move:

Page 5,—

after line 10, insert—

"Provided that in dissolving Lok Sabha, and matters connected therewith, or when a caretaker Government is in office, or when an Ordinance is to be promulgated, and in exercise of powers granted under sections 20 and 33 of the Constitution (Forty-Fourth Amendment) Act, 1976, the President may also use his own judgment and discretion." (255)

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

Page 5, line 10,—

add at the end—

"but in no case against the provisions of the Constitution" (338)

SHRI KARTIK ORAON: I beg to move:

Page 5, lines 8 and 9,—

for "a Council of Ministers with the Prime Minister at the head"

substitute "an unfettered and unqualified right and prerogative with the Prime Minister who heads the Council of Ministers". (388)

SHRI M. C. DAGA: In my amendment I have proposed that the following be added at the end, namely, after 'act in accordance with such advice':

"but in no case against the provisions of the Constitution."

There is an article on 'President under the Constitution' in this book. *The Constitution and the Parliament of India* (the 25 years of the Republic), and it is said in that:

"India has an elected President who is eligible for re-election as against the hereditary monarch in Britain. He is, therefore, answerable to his constituents for his acts

which implies that he should have freedom to act as he thinks right.

"India has a federal Constitution which divides the powers of the Government between the Central Government and the State Governments. The President cannot be either a partisan or a silent partner if the Central Cabinet, through its dictatorial actions, try to subvert the federal structure of the Constitution."

There are certain duties for the President:

'Article 111 authorises the President to declare that either he assents to a Bill passed by the two Houses of Parliament or he withholds assent therefrom and return it to Parliament for reconsideration. It is very unlikely, although not altogether inconceivable, that Ministers responsible to Parliament would advise the President to withhold assent from a Bill passed by both the Houses."

I can quote from the Constitutions of other countries, where the provision is that the President must act on the advice of the cabinet or the Prime Minister within the scope of the Constitution. It is there in Japan and other countries. It has been laid down in Article 111 and other Articles that the President must accept the advice of the Cabinet within the four corners of the Constitution. The President is the head of the Republic and he has to exercise his discretion, but while doing so, he must act within the scope of the Constitution. Why do you want to add these words.... "the President shall act in accordance with such advice."

Otherwise, what will happen is this.

MR. SPEAKER. You may continue later on, now it is time for, voting.

Before we start voting. I may inform the House that a large number of hon. Members have represented to me that they had already fixed some engagements on Saturday, the 30th October

on account of which it would not be possible for them to be present at the time of voting of clauses on Saturday. They have requested that there might be no voting on Saturday and the clauses on which discussion is concluded on Saturday might be put to vote on Monday, the 1st November. In view of that, I suggest as follows:

- (1) That there may be no voting on Saturday, the 30th October.
- (2) Amendments and clauses on which discussion is concluded on Saturday and Monday may be put to vote at 5.30 p.m. on Monday, the 1st November.

I hope, the House agrees.

SOME HON. MEMBERS: Yes, yes.

SHRI INDRAJIT GUPTA: I do not think, we can complete all the clauses by Monday, as we are proceeding.

SHRI K. RAGU RAMAIAH. I noticed this morning that there was a feeling among the hon. Members that there should be some more time for the consideration of this Bill. We were scheduled to conclude the debate on this Constitution (Amendment) Bill on the 1st November. In response to the desire of the hon. Members, Government is agreeable to sit for one more day, if necessary, which means, in addition to the sitting tomorrow and a sitting on Monday, the 1st November, there should be a sitting on Tuesday, the 2nd November also for this purpose.

There is another small request that I have to make to this House. In order that we are able to conclude the discussion on 2nd November, I request that we may sit today and tomorrow till 8.00 p.m.

MR. SPEAKER: I think, the House agrees with the suggestion.

SOME HON. MEMBERS: Yes, yes.

MR. SPEAKER: The House will sit till 8.00 p.m. today and tomorrow. Now, the voting.

Clause 8

The lobbies have been cleared. I will now put the amendments to clause 8 first.

SHRI RAMAVATAR SHASTRI. I want amendment No. 454 to be put to vote separately.

MR. SPEAKER: All right. I will now put amendment No. 454 to vote. The question is:

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)

The Lok Sabha divided:

Division No. 91

AYES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Dhote, Shri Jambuwan
Gupta, Shri Indrajit
*Jagivan Ram, Shri
Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri M.
Kathamuthu, Shri M.
Koya, Shri C. H. Mohamed
Krishnan, Shrimati Parvathi
'Madhukar', Shri K. M.
Manjhi, Shri Bhola
Muhammed Sheriff, Shri
Muruganantham, Shri S. A.
Panda, Shri D. K.
Pandey, Shri Sarjoo

*Peje, Shri S. L.
Sait, Shri Ebrahim Sulaiman
Sen, Dr. Ranen
Tiwari, Shri Chandra Bhal Mami
Vijay Pal Singh, Shri

NOES

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 Bhagwant Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpal, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
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
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrasekharappa Vedarasappa,
Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsingh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.

*Wrongly vote for AYES.

Chottey Lal, Shri
 Chutten Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhary, Shri B. F.
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara 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 Shivaji Rao S.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 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 Fatesingh Rao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadab, Shri P.
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb
 Gowda, Shri Pampan
 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.

Jamilurrahman, Shri Md.
 Jeyalakshmi Shrimati V.
 Jha, Shri Chiranjib
 Jhunjhunwala, Shri Bishwanath
 Jitendra Prasad, Shri
 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
 Kalingarayar, Shri Mohanraj
 Kamakshaiiah, Shri D.
 Kamala Prasad, Shri
 Kambale, Shri T. D.
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khan, Shri I. H.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfaj Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Maurya, Shri B. P.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath

Midi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Munsii, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nanda, Shri G. L.
 Nayak, Shri Baksi
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pakadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Prabodh Chandra, Shri
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
 Rai, Shri S. K.
 Rai, Shrimati Sahodrabai
 Raj Baharur, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri

Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Sigh, Shri
 Ranabahadur Singh, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankinēdu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri K. Kodandar Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Shushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Dr.
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.

Sharma, Shri Nawal Kishore
 Sharama, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Sheopujan
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 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
 Solanki, Shri Pravinsinh
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 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
 Tiwari, Shri R. G.
 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
 Vidyalankar, Shri Amarnath
 Vikal, Shri Ram Chandra
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.

Yadav, Shri R. P.
 Zulfiquar Ali Khan, Shri

MR. SPEAKER: The result* of the division is:

Ayes: 27; Noes. 325.

The motion was negatived.

MR. SPEAKER: I shall put all the other amendments to Clause 8 together to the vote of the House.

Amendments Nos. 43, 193, 253, 266, 294, 341, 489, 505, 506, 555 and 556 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 8 stand part of the Bill."

The Lok Sabha divided:

Division No. 10] [17.47 hrs.

AYES

Achal Singh, Shri
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O. V.
 Ambesh, Shri
 Anand Singh, Shri
 Ankireedu, 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
 Banamali Babu, Shri
 Banera, Shri Hamendra Singh
 Banerjee, Shri S. M.
 Banerjee, Shrimati Mukul

*The following Members also recorded their votes:

AYES: Shri Ramavatar Shastri

NOES: Sarvashri Madhoram Sharma, G. Y. Krishnan, Chintamani Panigrahi, Rajdeo Singh, C. M. Stephen, Genda Singh, Jagjivan Ram and S. L. Peje.

Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatarj, 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
 Brahmanandji, Shri Swami
 Brij Raj Singh—Kotah, Shri
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chandra Gowda, Shri D. B.
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrappan, Shri C. K.
 Chandrashekarappa Veerabasappa,
 Shri T. V.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabai
 Chavan, Shri Yeshwantrao
 Chellachami, Shri A. M.
 Chhotey Lal, Shri
 Chhutten Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhary, Shri B. E.
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara 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 Shivaji Rao S.
 Deshpande, Shrimati Roza
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dhillon, Dr. G. S.
 Dinesh Singh, Shri

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 Fetasingh Rao
 Gardhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gili, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Kokhale, 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.
 Jaffar Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Jhunjhunwala, Shri Bishwanath
 Jitendra Prasad, Shri
 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

Kalingarayar, Shri Mohanraj
 Kalyanasundaram, Shri M.
 Kamakshaiiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 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
 Krishna Kumari, Shrimati
 Krishnan, Shri G. Y.
 Krishnan, Shrimati Parvathi
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B. P.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammad Sheriff, Shri
 Munsi, Shri Priya Ranjan Das

Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nair, Shri Sreekantan
 Nanda, Shri G. L.
 Nayak, Shri Baksi
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sarjoo
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Prabodh Chandra, Shri
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramiah, Shri K.
 Rai, Shri S. K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri

Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Ranabahadur Singh, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Dr.
 Saini, Shri Mulki Raj
 Sait, Shri Ebrahim Sulaiman
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri

Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Sheopujan
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivrath 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
 Solanki, Shri Pravinsinh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Teveri, Shri Shankar
 Thakre, Shri S. B.
 Thakur, Shri Krishnarao
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Uikey, Shri M. G.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vidyalkar, 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.
Zulfiquar Ali Khan, Shri

NOES

Nil

MR. SPEAKER: The result* of the division is:

Ayes: 356; 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 8 was added to the Bill.

New Clause 8A

MR. SPEAKER: I shall now put amendment No. 342 moved by Shri Dharnidhar Das seeking to insert a new clause 8A to the vote of the House.

Amendment No. 342 was put and negatived.

Clause 9

MR. SPEAKER: I shall put amendments Nos. 455, 456 and 457 moved by Shri Indrajit Gupta to the vote of the House.

Amendments Nos. 455, 456 and 457 were put and negatived.

MR. SPEAKER: I shall now put amendment No. 490 moved by Shri Ebrahim Sulaiman Salt to the vote of the House.

The question is:—

Page 3.—

after line 34, insert—

"The State shall provide for economic uplift and avenues of employment in public and

private sectors for the weaker sections of the people including the minorities." (4901)

The Lok Sabha divided:

Division No. 11]

[17.45 hrs.

AYES

Banerjee, Shri S. M.

Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Dhote, Shri Jamburwant
Gupta, Shri Indrajit
Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri M.
Kathamuthu, Shri M.
Koya, Shri C. H. Mohamed
Krishnan, Shrimati Parvathi
'Madhukar', Shri K. M.
Manjhi, Shri Bhola
Muhammed Sheriff, Shri
Muruganantham, Shri S. A.
Pandey, Shri Sarjoo
*Rathia, Shri Umed Singh
*Reddy, Shri P. Narasimha
Sait, Shri Ebrahim Sulaiman
Sen, Dr. Ranen
*Shashi Bhushan, Shri
*Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
*Wrongly voted for AYES.

NOES

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

*The following Members also
Sarvashri Syed Ahmed Aga, Yamuna
Genda Singh and Ramavatar Shastri.

recorded their votes for AYES:—
Prasad Mandal, Anant Prasad Dhusia.

Arvind Netam, Shri
 Austin, Dr. Henry
 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.
 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
 Bhatia, Shri Raghuinandan Lal
 Bhattacharyya, Shri Chapalendu
 Bheeshmade, Shri M.
 Bhuvarahan, Shri G.
 Bist, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Brij Raj Singh—Kotah, Shri
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chandra Gowda, Shri D. B.
 Chandrakar, Shri Chandulal
 Chandrashekarappa Veerabasappa,
 Shri T. V.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabal
 Chavan, Shri Yeshwantrao
 Chellachami, Shri A. M.
 Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhary, Shri B. E.
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsi Das
 Daschowdhury, Shri B. K.
 Deo, Shri R. R. Singh
 Deo, Shri S. N. Singh
 Desai, Shri D. D.

Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 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 Fatesingh Rao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 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
 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.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jhunjhunwala, Shri Bishwanath
 Jitendra Prasad, Shri
 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	Nanda, Shri G. L.
Kakoti, Shri Robin	Nayak, Shri Baksī
Kalingarayar, Shri Mohanraj	Negi, Shri Pratap Singh
Kamakshaiiah, Shri D.	Nimbalkar, Shri
Kamala Prasad, Shri	Oraon, Shri Kartik
Kamble, Shri T. D.	Oraon, Shri Tuna
Kapur, Shri Sat Pal	Pahadia, Shri Jagannath
Karan Singh, Dr	Painuli, Shri Paripoornanand
Kaul, Shrimati Sheila	Palodkar, Shri Manikrao
Kavde, Shri B. R.	Pandey, Shri Damodar
Kedar Nath Singh, Shri	Pandey, Shri Narsingh Narain
Khadilkar, Shri R. K.	Pandey, Shri R. S.
Khan, Shri I. H.	Pandey, Shri Sudhakar
Kinder Lal, Shri	Pandey, Shri Tarkeshwar
Kisku, Shri A. K.	Pandit, Shri S. T.
Kotoki, Shri Liladhar	Panigrahi, Shri Chintamani
Kotrashetti, Shri A. K.	Pant, Shri K. C.
Krishna Kumari, Shrimati	Paokai Haokip, Shri
Krishnan, Shri G. Y.	Parikh, Shri Rasiklal
Krishnappa, Shri M. V.	Parthasarathy, Shri P.
Kureel, Shri B. N.	Paswan, Shri Ram Bhagat
Kushok Bakula, Shri	Patel, Shri Arvind M.
Lakkappa, Shri K.	Patel, Shri Natwarlal
Lakshminarayanan, Shri M. R.	Patel, Shri Prabhudas
Lambodar Baliyar, Shri	Patel, Shri R. R.
Laskar, Shri Nihar	Patil, Shri Anantrao
Lutfal Haque, Shri	Patil, Shri C. A.
Mahajan, Shri Vikram	Patil, Shri Krishnarao
Mahajan, Shri Y. S.	Patil Shri T. A.
Maharaj Singh, Shri	Patnaik, Shri Banamali
Mahishi, Dr. Sarojini	Patnaik, Shri J. B.
Majhi, Shri Gajadhar	Peje, Shri S. L.
Majhi, Shri Kumar	Prabodh Chandra, Shri
Malaviya, Shri K. D.	Pradhan, Shri Dhan Shah
Malhotra, Shri Inder J.	Pradhani, Shri K.
Mallanna, Shri K.	Purty, Shri M. S.
Mallikarjun, Shri	Raghu Ramaiah, Shri K.
Mandal, Shri Jagdish Narain	Rai, Shri S. K.
Manhar, Shri Bhagatram	Rai, Shrimati Sahodrabai
Maurya, Shri E. P.	Raj Bahadur, Shri
Melkote, Dr. G. S.	Rajdeo Singh, Shri
Mirdha, Shri Nathu Ram	Raju, Shri M. T.
Mishra, Shri Bibhuti	Raju, Shri P. V. G.
Mishra, Shri G. S.	Ram, Shri Tulmohan
Mishra, Shri Jagannath	Ram Dayal, Shri
Modi, Shri Shrikishan	Ram Prakash, Shri
Mohammad Yusuf, Shri	Ram Sewak, Ch.
Mohan Swarup, Shri	Ram Singh Bhai, Shri
Mohapatra, Shri Shyam Sunder	Ram Surat Prasad, Shri
Mohsin, Shri F. H.	Ram Swarup, Shri
Munsi, Shri Priya Ranjan Das	Ramji Ram, Shri
Murmu, Shri Yogesh Chandra	Ramshekhar Prasad Singh, Shri
Murthy, Shri B. S.	Ranabahadur Singh, Shri
Nahata, Shri Amrit	Rao, Shrimati B. Radhabai A.
Naik, Shri B. V.	Rao, Shri J. Rameshwar

Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Dr.
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shaquaq Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.

Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shrivnath 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
 Solanki, Shri Pravinsinh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 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 Shonkar
 Thakre, Shri S. B.
 Thakur, Shri Krishnarao
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Uikey, Shri M. G.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad

Vikal, Shri Rani Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.
Zulfiqar Ali Khan, Shri

MR. SPEAKER: The result* of the division is:

AYES: 27; Noes: 325.

The motion was negatived.

MR. SPEAKER: I shall now put all the other amendments to Clause 9 to the vote of the House.

Amendments Nos. 194, 234, 235, 278, 319, 320, 343, 378, 407 and 507 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 9 stand part of the Bill."

The Lok Sabha divided:

Division No. 12] [17.47 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 Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekarappa Veerabasappa,
Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhottey Lal, Shri
Chhuttan Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri

The following Members also recorded their vote:—

Ayes: Shri Ramavatar Shastri.

Noes: Sarvashri Yamuna Prasad Mandal, D. N. Tiwary, Sheopujan Shastri, Shankerrao Savant, Raja Kulkarni M. Sudarsanam, Genda Singh, Umed Singh Rathia, P. Narasimha Reddy, Shashi Bhushan and Amarnath Vidyalkar.

Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Deo, Shri R. P. Singh
 Deo, Shri S. N. Singh
 Desai, Shri D. D.
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Deshpande, Shrimati Roza
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dumada, Shri L. K.
 Dwivedi, Shri Nageswar
 Engti, Shri Biren
 Gaekwad, Shri Fatesinghrao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 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.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.

Jeyalakshmi, Shrimati V.
 Jna, Shri Bhogendra
 Jha, Shri Chirenjib
 Jharkhande Rai, Shri
 Jhunjunwaia, Shri Bishwanath
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kalingarayar, Shri Mohanraj
 Kalyanasundaram, Shri M.
 Kamakshaiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 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
 Krishna Kumari, Shrimati
 Krishnan, Shri G. Y.
 Krishnan, Shrimati Parvathi
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 'Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.

Maltikarjun, Shri
 Mandal, Shri Jagdish Narain
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B. P.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Sheriff, Shri
 Munsif, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nair, Shri Sreekantan
 Nanda, Shri G. L.
 Nayak, Shri Bakshi
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sarjoo
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarthy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantao
 Patil, Shri C. A.
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.

Peje, Shri S. L.
 Prabodh Chandra, Shri
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
 Rai, Shri S. K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Ranabhadur Singh, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Ra'ut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Dr.
 Safni, Shri Mulki Raj
 Sait, Shri Ebrahim Sulaiman
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri

Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. R.
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Sheopujan
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivrath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddheshwar Prasad, Prof.
 Sir, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bir
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Solanki, Shri Pravinsinh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 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
 Tiwari, Shri Chandra Bhal Manj
 Tiwari, Shri R. G.
 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
 Vidyalkar, 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

*Mandal, Shri Yamuna Prasad

MR. SPEAKER: The result of the division is Ayes: 357; Noes: 1.

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 9 was added to the Bill.

New Clause 9A

MR. SPEAKER: I shall put Amendment Nos. 572 and 573 suggesting a new Clause 9A by Shri Indrajit Gupta to the vote of the House.

Amendments Nos. 572 and 573 were put and negatived.

*Wrongly voted for Noes.

†The following members also recorded their votes for Ayes:—

Sarvashri Dattajirao Kadam, J. P. Dube, Genda Singh, Ramavtar Shastri and Yamuna Prasad Mandal.

Clause 10

MR. SPEAKER: I now come to Clause 10. I shall put amendment No. 459 moved by Shrimati Parvathi Krishnan to the vote of the House.

The question is:

Page 4,—

after line 5, insert—

"48B. There shall be a Standing Committee of Parliament and the State Legislatures as the case may be for reviewing and investigating all matters relating to the implementation of the Directive Principles".
(459)

The Lok Sabha divided:

Division No. 13] [17.51 hrs.

AYES

Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Dhoti, Shri Jambuwant
Gupta, Shri Indrajit
Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanansundaram, Shri M.
Kaothamuthu, Shri M.
Krishnan, Shrimati Parvathi
Madhukar, Shri K. M.
Manjhi, Shri Bhola
Muruganantham, Shri S. A.
Pavda, Shri D. K.
Sen, Dr. Ranen
*Suryanarayana, Shri K.
Vijay Pal Singh, Shri

NOES

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
Banerji, 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
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekarappa Veerabasappa,
Shri T. V.
Chrandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhuttan Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara 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 Shivaji Rao S
Dhamankar, Shri
Dharamgaj Singh, Shri

*Wrongly voted for AYES.

Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 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 Fatesingh Rao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Manj Ram
 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
 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.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jhunjhunwala, Shri Bishwanath
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kedar, Shri S. A.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kalingarayar, Shri Mohanraj
 Kamakshaiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.

Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khan, Shri I. H.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishna Kumari, Shrimati
 Krishnan, Shri G. Y.
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Manhar, Shri Bhagatram
 Maurya, Shri B. P.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra Shri Shyam Sunder
 Mohsin, Shri F. H.
 Munsj, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nanda, Shri G. L.
 Nayak, Shri Baksi
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna

Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 **Pandey, Shri Sarjoo
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
 Rai, Shri S. K.
 Rai Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. J.
 Ram, Shri Tulmohan
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swrup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Ranabhadur Singh, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan

Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Dr.
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Naval Kishore
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Sheopujan
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.

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
 Solanki, Shri Pravinsinh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 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
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 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
 Vidalankar, Shri Amarnath
 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

MR. SPEAKER: The result* of the division is:—

Ayes: 20; Noes: 329

The motion was negatived.

MR. SPEAKER: I shall now put all

the other amendments to Clause 10 together to the vote of the House.

Amendments Nos. 198, 216, 236, 254, 379, 458, 508, 509 and 581 were put and negatived.

MR. SPEAKER: The question is:

"That clause 10 stand part of the Bill."

The Lok Sabha divided:

Division No. 14] [17.53 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.
 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 Bhasheshwar Nath
 Bhargavi Thankappan, Shrimati
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Bhaura, Shri B. S.
 Bheeshmadev, Shri M.
 Bhuvarahan, Shri G.

*The following Members also recorded their votes:—

AYES : Shri Ramavatsar Shastri and Shri Sarjoo Pand y

NOES : Sarvashri Madhoram Sharma Yamuna Prasad Mandal, R. K. Khediakar, Z. M. Kahandole, Genda Singh, K. Suryanarayana, Shrimati Premalabai Chavan and Shrimati Ganga Devi.

Bist, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Brij Raj Singh—Kotah, Shri
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chandra Gowda, Shri D. B.
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrappan, Shri C. K.
 Chandrashekharaappa Veerabasappa,
 Shri T. V.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabai
 Chavan, Shri Yeshwantrao
 Chellachami, Shri A. M.
 Chotey Lal, Shri
 Chhuttien Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhary, Shri B. E.
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharmidhar
 Dasappa, Shri Tulsidas
 Das Chowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri R. R. Singh
 Deo, Shri S. N. Singh
 Desai, Shri D. D.
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Deshpande, Shrimati Roza
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 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.
 Ganga Devi, Shrimati
 Gautam, Shri C. D.
 Gavit, Shri T. H.

George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 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.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Jhunjhunwala, Shri Bishwanath
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramchandran
 Kedar, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kalingarayar, Shri Mohanraj
 Kalyanasundaram, Shri M.
 Kamakshaiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri N. S.
 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
 Krishna Kumari, Shrimati
 Krishnappa, Shri M. V.
 Krishnan, Shrimati Parvathi
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Beliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 'Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B. P.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Sheriff, Shri
 Munsii, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nabata, Shri Amrit
 Naik, Shri B. V.
 Nair, Shri Sreekantan
 Nanda, Shri G. L.
 Nayak, Shri Baksi
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath

Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sarjoo
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwalal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantra
 Patil, Shri C. A.
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
 Rai, Shri S. K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Ranabhadur Singh, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada

Rao, Shri Pattabhi Rama	Shivappa, Shri N.
Rao, Shri Rajagopala	Shivnath Singh, Shri
Rao, Dr. V. K. R. Varadaraja	Shukla, Shri B. R.
Rathia, Shri Umed Singh	Shukla, Shri Vidya Charan
Raut, Shri Bhola	Siddheshwar Prasad, Prof.
Ravi, Shri, Vayalar	Singh, Shri Vishwanath Pratap
Ray, Shrimati Maya	Sinha, Shri Dharam Bir
Reddy, Shri K. Kodanda Rami	Sinha, Shri Nawal Kishore
Reddy, Shri K. Ramakrishna	Sinha, Shri R. K.
Reddy, Shri M. Ram Gopal	Sohan Lal, Shri T.
Reddy, Shri P. Bayapa	Sokhi, Sardar Swaran Singh
Reddy, Shri P. Ganga	Solanki, Shri Pravinsinh
Reddy, Shri P. Narasimha	Stephen, Shri C. M.
Reddy, Shri P. V.	Subramaniam, Shri C.
Reddy, Shri Sidram	Sudarsanam, Shri M.
Richhariya, Dr. Govind Das	Surendra Pal Singh, Shri
Rohatgi, Shrimati Sushila	Suryanarayana, Shri K.
Roy, Shri Bishwanath	Swaminathan, Shri R. V.
Rudra Pratap Singh, Dr.	Swamy, Shri Sidrameshwar
Saini, Shri Mulki Raj	Swaran Singh, Shri
Sait, Shri Ebrahim Sulaiman	Tarodekar, Shri V. B.
Salve, Shri N. K. P.	Tayyab Hussain, Shri
Samanta, Shri S. C.	Tewari, Shri Shankar
Sanghi, Shri N. K.	Thakre, Shri S. B.
Sangliana, Shri	Thakur, Shri Krishnarao
Sankata Prasad, Dr.	Tiwari, Shri Chandra Bhal Mani
Sant Bux Singh, Shri	Tiwari, Shri R. G.
Sarkar, Shri Sakti Kumar	Tiwary, Shri D. N.
Sathe, Shri Vasant	Tombi Singh, Shri N.
Satish Chandra, Shri	Tula Ram, Shri
Satpathy, Shri Devendra	Tulsiram, Shri V.
Savant, Shri Shankerrao	Uikey, Shri M. G.
Savitri Shyam, Shrimati	Vtkaria, Shri
Sayeed, Shri P. M.	Venkatasubbaiah, Shri P.
Sen, Dr. Ranen	Venkatswamy, Shri G.
Sethi, Shri Arjun	Verma, Shri Balgovind
Shafee, Shri A.	Verma, Shri Sukhdeo Prasad
Shafquat Jung, Shri	Vidyalankar, Shri Amarnath
Shahnawaz Khan, Shri	Vijay Pal Singh, Shri
Shailani, Shri Chandra	Vikal, Shri Ram Chandra
Shambhu Nath, Shri	Yadav, Shri Chandrajit
Shankar Dayal Singh, Shri	Yadav, Shri D. P.
Shankaranand, Shri B.	Yadav, Shri Karan Singh
Sharma, Shri A. P.	Yadav, Shri N. P.
Sharma, Dr. H. P.	Yadav, Shri R. P.
Sharma, Shri Madhoram	Zulfiquar Ali Khan, Shri
Sharma, Shri Nawal Kishore	
Sharma, Dr. Shanker Dayal	
Shashi Bhushan, Shri	NOES
Shastri, Shri Biswanarayan	Nil.
Shastri, Shri Raja Ram	
Shastri, Shri Sheopujan	
Shetty, Shri K. K.	
Shinde, Shri Annasaheb P.	

MR. SPEAKER: The result* of the division is:

Ayes: 358; Noes: Nil

*The following Members also recorded their votes for AYES:—
Sarvashri Genda Singh and Ramavatar Shastri.

[Mr. Speaker]

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 10 was added to the Bill.

Clause 11

MR. SPEAKER: Shall I put all the amendments together?

SHRI EBRAHIM SULAIMAN SAIT: Amendment No. 353 may be put separately.

MR. SPEAKER: Anyone else? No.
The question is:

"Page 4,—after line 33, insert—

'(k) to avoid any interference in any religion or faith in the country and to assist and co-operate in protection of personal laws of different religious entities.'" (353).

Those hon. Members who are in favour of the Motion will kindly rise in their seats—I find three hon. Members have risen. Their names will be recorded. The names are Shri Ebrahim Sulaiman Sait, Shri C. H. Mohamed Koya and Shri Muhammed Sheriff. Those hon. Members who are against will kindly rise in their seats—I find a large number of members have risen.

The amendment is negatived.

The motion was negatived

MR. SPEAKER: I shall now put all the other amendments to clause 11 to the vote of the House together.

Amendments Nos. 4, 6, 29, 46, 52, 55, 83, 84, 172, 217, 225, 238, 239, 295 to 298, 306, 321, 322, 336, 337, 351, 354, 380 to 387, 403, 404, 409, 431, 439, 460, 510 to 514 were put and negatived

negatived

MR. SPEAKER: The question is:

"That clause 11 stand part of the Bill".

The Lok Sabha divided.

Division No. 15]

[17.57 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 Basheswar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B. S.
Bhuvarahan, Shri G.
Bis, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.

Chandrashekharaappa Veerabasappa,
Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chuttan Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara 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 Shivaji Rao S
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
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 Fatesingh Rao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
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 Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
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
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D.
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
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.

Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 'Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B. P.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Sheriff, Shri
 Munsli, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nair, Shri Sreekantan
 Nanda, Shri G. L.
 Nayak, Shri Bakshi
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sarjoo
 Pandey, Shri Sudhakar
 Pandey, Shri Turkeshwar

Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Prabodh Chandra, Shri
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
 Rai, Shri S. K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Ranabahadur Singh, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Patabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri K. Kodanda Rama
 Reddy, Shri K. Ramakrishna

Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Dr.
 Saini, Shri Mulki Raj
 Sait, Shri Ebrahim Sulaiman
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Shafee, Shri A
 Shafquat Jung, Shri
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Sheopujan
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivrath 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
 Solanki, Shri Pravinsinh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 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
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 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
 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

Nil.

MR. SPEAKER: The results* of the division is:—

Ayes: 355; 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 following members also re-recorded their votes for Ayes:—
 Sarvashri Ram Bhagat Paswan, Genda Singh and Ramavatar Shastri.

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12

SHRI O. V. ALAGESAN: I seek leave of the House to withdraw my amendment No. 323.

Amendment No. 323 was, by leave, withdrawn.

18.00 hrs.

MR. SPEAKER: The lobbies have been cleared. I will now put clause 12 to vote.

The question is:

"That clause 12 stand part of the Bill."

The Lok Sabha divided:

Division No. 16]

[18.00 hrs.

AYES

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
Balakrishnaiah, 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 Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B. S.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa,
Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsingh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara 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 Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhote, Shri Jambuwant
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
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 Fatesingh Rao
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Gavt, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Anasaheb
 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.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Jhunjhunwala, Shri Bishwanath
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappali, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kalingarayar, Shri Mohanraj
 Kalyanasundaram, Shri M.
 Kamakshiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 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
 Krishna Kumari, Shrimati
 Krishnan, Shri G. Y.
 Krishnan, Shrimati Pravathi
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 'Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B. P.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Sheriff, Shri
 Munsli, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.

Nanda, Shri G. L.
 Nayak, Shri Baksi
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sarjoo
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarla
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Prabodh Chandra, Shri
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramaiah, Shri K.
 Rai, Shri S. K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri

Ranabahadur Singh, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Dr.
 Saini, Shri Mulki Raj
 Sait, Shri Ebrahim Sulaiman
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankarrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Sheopujan
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivrath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddheshwar Prasad, Prof.
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bdr
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Solanki, Shri Pravinsinh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 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
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 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
 Vidyalkar, 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.
 Zulfikar Ali Khan, Shri

NOES

Nil

MR. SPEAKER: The result* of the division is:

Ayes: 356; 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 12 was added to the Bill.

Clause 13 (Amendment of article 74)

SHRI M. C. DAGA: I was reading:

"The Constitution has a Chapter on Directive Principles of State Policy. These are expressly stated to be fundamental in the governance of the country and 'it shall be the duty of the State to apply these principles in making laws'. If a Bill is passed which, in the opinion of the President, violates one of these Principles, is he bound to act according to Ministerial advice and give assent to it? If he does so, he may be accused of having violated the Constitution which he is bound, under oath, to uphold and defend."

राष्ट्रपति भी जब शपथ लेता है, तो संविधान की लेता है और संविधान का जो दायरा है, उस के अन्तर्गत ही वह सारा काम करता है। इसलिए। श्रीमन् यह एडवाइस मानने या न मानने की बात समझ में नहीं आती और मैंने आपना जो एमेंडमेंट दिया है वह यह है कि संविधान के क्षेत्र के अन्दर ही राष्ट्रपति एक्ट कर सकता है और इस एमेंडमेंट को सपोर्ट करते हुए मैं चाहता हूँ कि जो पहला

*The following Members also recorded their votes for AYES:—
 Sarvashri Pampam Gowda, M. Bheeshmadev, Genda Singh and Ramavatar Shastri.

मार्टीकिल था, वहीं रहना चाहिए। इस बात के लिए मैं जापान के कांस्टीट्यूशन का हवाला देना चाहता हूँ। वहाँ पर यह दिया हुआ है :

"The Emperor shall perform only such acts in matters of State as are provided for in this Constitution."

तो जापान के लिए भी यह कहा गया है और जब मैं लंका का कांस्टीट्यूशन पढ़ता हूँ, तो उस में भी यह लिखा है :

"All powers, authorities and functions vested in His Majesty or the Governor-General shall, subject to the provisions of this order and of any other law for the time being in force be...."

तो हर एक को कांस्टीट्यूशन के फोर कारनर्स में अपने अधिकार को एक्सरसाइज करना है। जब मैं बार-बार इस बात को कहता हूँ कि आप जब स्कोप को बढ़ाना चाहते हैं तो कोई भी इन्डुस्तान का राष्ट्रपति संविधान के अन्तर्गत ही अपनी ऐसंट देगा। जब कोई राष्ट्रपति बनता है तो वह संविधान की शपथ लेता है और शपथ लेने के बाद वह संविधान से बाकूंड है और संविधान के अन्दर यह लिखा हुआ है कि मार्टीकिल 111 में राष्ट्रपति को पूरा अधिकार है कि वह अपनी इच्छा का उपयोग करे। फेडरल गवर्नमेंट में उस को अपनी इच्छा का उपयोग करने का पूरा अधिकार है।

SHRI KARTIK ORAON: Sir, I have moved my amendment to Article 74 of the Constitution which reads as follows:

"74(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions."

Then, according to Clause 13 of the Bill, in article 74, for Clause (1) the following is substituted, namely—

"(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice."

Sir, there is no difference here except the words "who shall, * * * act in accordance with such advice". I can understand the import of this sentence and, particularly, the word 'shall'. This is not clear without any reasonable doubt and reservation. That is why I have moved an amendment which reads as under:

"There shall be an unfettered and unqualified right and prerogative with the Prime Minister who heads the Council of Ministers to aid and advise the President, who shall, in exercise of his functions, act in accordance with such advice."

Sir, my amendment may look strange, but sometimes facts are even stranger than fiction. The drastic amendments to the Constitution are calculated to serve as a convenient lever to the implementation of 20-Point and 5-Point programmes and remove all hurdles in the way of creating a sovereign socialist, secular democratic republic. Now, how can this be achieved? This can be achieved only by breaking the tradition of push and pull, by a tradition of impartialities and by a team spirit and loyalty to the Executive head.

The election of the Prime Minister is not by accident but by well calculated democratic designs. It is done by the party in power which extends its unequivocal and unreserved support to the Prime Minister. There are certain conventions in the election process of the Prime Minister.

(1) That the Prime Minister is elected from the party which

commands a majority in the Lok Sabha;

- (2) That a person or a Member of the Lok Sabha shall be elected as leader of the party and consequently the Prime Minister who can carry the majority of the Members of the Lok Sabha with him or her.

According to article 75(1), the Prime Minister shall be appointed by the President and other ministers shall be appointed by the President on the advice of the Prime Minister. The words 'advice of the Prime Minister' are clear. So, it is very essential that she should have unfettered and unqualified right. History has shown that Parliament is always sensitive to public opinion. The view is that the party that has come into Power after a general election has a mandate from the electorate to implement by legislation, the whole of its election promises. This has been increasingly urged and the onus lies on the Prime Minister as executive head to fulfil those promises. Equally, any departure from this mandate is apt to be vehemently criticised by the opposition. I would like to quote a few passages from the *Constitutional Law* by Wade and Philips (Fifth Edition) to lend support to my amendment:

"But there are certain matters which fall to be determined by the exercise of her "—the Queen's—" independent judgment, and in particular the appointment of a Prime Minister and in certain circumstances the dissolution of Parliament. There are conventional rules which limit her range of choice of a new Prime Minister. The support of the party or coalition which may be expected to command a majority in the House of Commons is a condition precedent to acceptance of the office. It is perhaps safe to say that membership of the House of Commons is another.

Closely connected with the choice of a Prime Minister is the power to dissolve Parliament. Here the Sovereign is by convention bound to accept the advice of the Prime Minister, since the alternative is to dismiss him and with him all his ministerial colleagues, a step which would inevitably involve the Sovereign in political controversy. There could be no justification for the dismissal against its will of a Ministry which commanded a majority in the House of Commons, save on the ground that the majority no longer reflected the will of the electorate."

I am a representative of the weaker section of society, a member of the scheduled tribes, who knows what it means to take the message to the naked and hungry people of India. We have not done anything worth the name for the scheduled tribes when major sections of the tribes are still running naked in the jungles. Anybody who is interested in the welfare of the scheduled tribes may go to Koraput district in Orissa and have a look at the Bando Praja tribes.

The 20 point economic programme of the Prime Minister has a very great future for the weaker sections of the society but it all depends on how honestly the 20 point programme is implemented. I, therefore, plead with the hon. minister to accept this amendment for a change without any hesitation and reservation.

SHRI NIMBALKAR: The fact is that this amendment does not change the substance of the previous wording but it only changes the form. The reason is, I do not know of a single occasion after the independence of India, where any President has refused to do what the Prime Minister wanted. Therefore, it is rather misleading.

I do not understand why it is so necessary in the Government's view—when the substance is the same—that the form should be changed. Actually,

[Shri Nimbalkar]

this constitutional President idea which came from the so-called monarchy, goes back to the days of Walpole in England. At that time, King George who was actually from Hanover in Germany and who came over to rule in England, was unable to speak English. Usually the King used to preside over the Cabinet in England; and because he could not speak English, there was no use his presiding over the Cabinet; so the Prime Minister was the one who presided over the Cabinet. As you know in England, the tradition lasts long; so, this tradition also went on. And as such monarchy became more and more constitutional. To-day we have tried to copy that form; and because the kingship became less and less fashionable, we have a President to-day.

The duty of the President and the value of the President might be symbolic; but we shall agree that the tradition of India is such that the symbols are not given value simply for the sake of value.

My amendment is this:

"Provided that in dissolving Lok Sabha, and matters connected therewith, or when a caretaker Government is in office, or when an Ordinance is to be promulgated, and in exercise of powers granted under sections 20 and 33 of the Constitution (Forty-fourth Amendment) Act, 1976, the President may also use his own judgment and discretion."

Sir, I am very much interested in the symbolic value of the President; but because when the President goes to a foreign country, if the people there start feeling: There is a person who is supposed to be the Head of the State but in fact he is nothing more than—I do not want to say this really—the most expensive rubber stamp, he would not have the impact on the people of that foreign nation—which impact he would have if he has at least some dis-

cretionary powers and which he could use, or which he might never really use. I really don't think that this is a situation which any Indian would like to face. Secondly, this new clause which the Government has brought in, might also put the Government itself one day in such a bad situation that there is a national crisis. For instance, suppose a situation comes about when a particular President of India, for some reason has a conscience that does not permit him to accept what the Prime Minister tells him. Suppose he says: "I refuse to accept it". A constitutional crisis of a type that cannot be imagined, will arise. The President might resign and his place might be taken by the Vice-President. The Vice-President might then be under double pressure. Otherwise people will say that he is a stooge or 'chamcha' of the Prime Minister—which is not unknown to us to-day. This will create a further crisis. Suppose he also resigns.

Again, according to the Constitution, it is the Chief Justice who will come in. What will be the situation when this happens? I do not have to go farther, in answering that question. It has been answered by the Law Minister when he said that lawyers were one generation behind, the High Court judges two generations behind and the Supreme Court judges 3 generations behind. I do not know how many generations behind would he be—in this case, let us say whoever might preside over the Supreme Court at that time. But I think this will be a much more untenable situation for the country. Then, when we allow him discretion, we should expect that it will not be misused. Even though we have allowed him discretion, up till now no President has disagreed with the Prime Minister, and even if he has disagreed, he has complied with the wishes of the Prime Minister. That being so, why should we interfere with it?

The power to amend the Constitution vests with the Government. I agree with you there. But I know from practical experience that there

is no clause in the Constitution of the Weimer Republic which prevented Hitler from taking over dictatorial powers in Germany. There was no clause, and there is no clause or convention in the British Constitution which allowed Churchill to have almost quasi-dictatorial powers at the time when Hitler's army attacked England. Similarly, which part of the Constitution prevented De Gaulle from converting what was a weak Presidential form of Government into a strong President form of Government, because he wanted to rule that way? No constitutional law came in his way.

These constitutional provisions are meant for emergencies. If at any time a President misuses these emergency powers he can become a dictator and there is no Constitution anywhere in the world, in my opinion, which can prevent it. That opportunity is always there if somebody wants to misuse the Constitution. Nothing can prevent a person from becoming a dictator, provided the army, the police and the people are behind him. There is nothing in any Constitution which can prevent that contingency.

Then, you will naturally ask, where is democracy? It depends on two factors. One is that the country has free and fair elections and the second is that the elections are held regularly. Of course, there are exceptional cases, like the one we are going through today, but basically democracy depends only on these two factors. Nothing else can endanger democracy. All other matters are styles of running the Government. A particular person in power, or party in power, may have his or its own particular style of running the Government.

Speaking for myself, I would say that you take whatever powers you want; as far as we are concerned, what we expect is that you must deliver the goods. I am more concerned with the abolition of poverty from this country rather than the sort of Government we

have, provided of course the two conditions which I have mentioned are fulfilled, because they form the two pillars of democracy. We say that Caesar's wife must not only be chaste but must appear to be chaste. In the same way, the elections must not only be fair but must appear to be fair.

I have not the slightest doubt that no Prime Minister of India will act in such a way that the President will find it difficult to accept the advice of the Prime Minister. I am quite sure that the people of India are sensible enough to send the right kind of people and we are sensible enough to choose the right kind of Prime Minister.

But if we do not leave with the President the powers which I have mentioned in my amendment, one may say that the President was advised wrongly in order that the party in power might continue in power and thus win the elections. Because, whenever any measure is passed by both Houses of Parliament, there is no question of even conscience for the President to give his assent. But when the Government in power is a caretaker government, then the opposition could construe easily that they are actually fighting the elections, as one Member put it, with rules on one side and no rules on the other.

This would be in the interests of the country, in the interests of any Government, to realise that these two things are basic. You can take away anything else, but not these two. People say that the fundamental character of the Constitution should not be changed. I should say that only these two are the fundamental pillars of any democratic system or Constitution. That is why I am a little anxious, not because I think that the present Prime Minister or Government will not be able to achieve what they want otherwise. I am quite sure they can do with or without my amendment. The substance remains, it is the form only that is changed.

MR. CHAIRMAN: The hon. Minister.

SHRI SHIVAJI RAO S. DESHMUKH (Parabhani): The Speaker has said that other Members should be allowed to speak if they want to.

MR. CHAIRMAN: The rule that we have been following is that the speakers were restricted to those who had given notice of amendments. Although the Speaker had said in the original ruling that others ordinarily will not be allowed, that extraordinary position has not arisen so far. I do not think this is a clause in which that extraordinary position arises. Nobody else will be allowed.

SHRI P. G. MAVALANKAR (Ahmedabad): The Chair was given discretion if the Chair thought that the matter was very vital. If the Chairman is not willing to use his discretion, we are helpless. We want to know whether the Chair does not think that this is a vital matter.

MR. CHAIRMAN: We are racing against time. I am not satisfied that this is a clause which is so important, that an extraordinary situation has arisen so that Members who have not given notice of amendments should also be permitted to speak. If one Member is permitted, I will have no reason to disallow other Members from participating in the debate, in which case I will not be able to go on to the next clause. Therefore, the right of speech would be restricted only to the Members who have given notice of amendments. Nobody else would be allowed to speak. The hon. Minister will reply.

SHRI H. R. GOKHALE: With regard to this clause. I had occasion to say a few words when I replied to the debate on the motion for consideration, and I do not think that a very long and elaborate reply is called for.

श्री जंबुवंत बोटे : ध्यान ए प्वाइन्ट ऑफ ऑर्डर । यह अत्यन्त महत्वपूर्ण 44वां संविधान संशोधन विधेयक इस सदन में बहस के लिये आया है और उसका क्लॉज 13, जो कि राष्ट्रपति जी से संबंधित है, उस पर डिस्कशन हो रहा है, और देश के कानून मंत्री उसका जवाब दे रहे हैं और ऐसे वक्त हाउस में गणपूर्ति नहीं है । प्रश्न यह है कि गणपूर्ति के सिलसिले में जो भी संशोधन इस विधेयक के 22वें क्लॉज में लाया जा रहा है वह बाद में डिस्कस होगा । हम जानते हैं कि सरकार के पास बहुत ज्यादा शक्ति है, दो-तिहाई मत से ज्यादा मत हैं । उसके अनुसार वह कोई भी संशोधन करा सकती है । लेकिन जिस क्लॉज पर इस समय बहस हो रही है उसमें गणपूर्ति होनी चाहिये । अब कोरम के बिना कोई कार्यवाही आगे नहीं हा सकती है ।

SHRI P. G. MAVALANKAR: I support his contention.

MR. CHAIRMAN: Let the quorum bell be rung — Now there is quorum. There are 53 Members in the House.

SHRI P. G. MAVALANKAR: I am not satisfied.

MR. CHAIRMAN: It is for the Chair to be satisfied. There are 53 Members in the House.

SHRI H. R. GOKHALE: Sir, I have already stated before the main purpose of introducing clause 13. It only reproduces the position which has always been there all along and, therefore, I do not wish to go into the need for introducing this clause.

I will deal with some of the amendments which have been moved on this clause. There have been some speeches made. The amendment moved by Mr. Kartik Oraon introducing the words "an unfettered and unqualified right and prerogative with the Prime

Minister who heads the Council of Ministers" cannot be accepted for the obvious reasons. It goes contrary to the well-established basis on which a parliamentary system of Government is based. If it is the collective responsibility, it is the Council of Ministers which has to advise the President and whose advice will be binding on the President. That is exactly what has been reproduced in the clause which is now under consideration.

The other amendment that has been moved by Mr. Daga purports to add the words, "but in no case against the provisions of the Constitution." I think, it is a futile exercise to introduce such an amendment, firstly, because the advice which is to be binding on the President is obviously the advice given by the Council of Ministers in the due discharge of their functions. If, for example, as a Minister, I advise the President to do something for me personally which has nothing to do with the performance of my functions as a Minister, such an advice cannot be regarded as an advice at all. It needs no argument. Therefore, it is quite true that it is only the performance of the functions of the Council of Ministers on which the advice is given and the President is bound to act on the advice and a specific provision, "but in no case against the provisions of the Constitution" is absolutely unnecessary.

Then, an amendment has been moved by Mr. Nimbalkar in which he wants to add a proviso:

"Provided that in dissolving Lok Sabha, and matters connected therewith, or when a caretaker Government is in office, or when an Ordinance is to be promulgated, and in exercise of powers granted under sections 20 and 33 of the Constitution (Forty-fourth Amendment) Act,

1976, the President may also use his own judgement and discretion."

It is well-known that in the whole structure of the Constitution, the President has no powers which he can exercise in his discretion. Even before this amendment is made, the President was to act always under the advice of the Council of Ministers. This question was discussed in the Constituent Assembly at great length. If I might remind the House, the specific questions were raised in the Constituent Assembly and Dr. Ambedkar was asked as to whether the President will be guilty of dereliction of duty if he did not accept the advice of the Council of Ministers. Dr. Ambedkar gave an unequivocal answer saying, "There is no doubt about it". Therefore, even at the commencement of the Constitution till today, the position is that the President has to be advised and the President is bound by the advice. Therefore, there is no scope for introducing a new element now indicating, by implication, at any rate, that he has some functions to perform in his discretion.

The case of the Governors is not comparable. The case of the Governors may be slightly different because the Constitution itself contains certain provisions where the Governor does not act on the advice of his Council of Ministers. But that position does not obtain in respect of the President, and the adoption, whatever may be the reasons which Mr. Nimbalkar has given, of such an amendment will introduce a new element which had never been there at any time ever since the Constitution was enacted.

These were the only three amendments moved and about which there were speeches. I do not think that any long discussion on this is necessary. For the reasons I have mentioned, I am unable to accept these amendments.

MR. CHAIRMAN: Now, we pass on to the next Clause, Clause 14.

Claus. 14- (Amendment of article 77)

SHRI BIBHUTI MISHRA: I beg to move:

Page 5, line 15,—

add at the end —

“, if it is shown to the satisfaction of the court that production of such rules shall not be in the interest of the country” (85)

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

Page 5, lines 14 and 15,—

omit “for the more convenient transaction of the business of the Government of India” (324)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 5, line 15,—

after “India” insert—

“except in cases where such production is necessary to prevent failure of justice or misuse of power” (461)

श्री बिभूति मिश्र: सभापति महोदय, मैं ने धारा 14 में अपना यह अमेंडमेन्ट रखा है :

“add at the end—“if it is shown to the satisfaction of the court that production of such rules shall not be in the interest of the country”.

इसको सरकार मान ले। मैं नहीं चाहता कि सरकार कोई कागज न दिखाना चाहती हो तो उसको दिखाने के लिए उसको बंधन में डाला जाये लेकिन जिसमें कन्ट्री के किसी खास इन्स्टीट्यूट की बात न हो और दूसरी ओर किसी व्यक्ति का नुकसान होता हो तो सरकार को वह कागज दिखाने में कोई दिक्कत नहीं होनी चाहिए। बस, इतना ही मुझे कहना है।

SHRI O. V. ALAGESAN: Mr. Chairman, I find from the paper supplied that you have also given notice of a similar amendment. Being in the Chair, you were not able to move the amendment. Therefore, I can speak on your behalf also.

This amendment is more a mechanical amendment. It wants to save article 77(3). Article 77(3) reads as follows:—

“The President shall make rules for the more convenient transaction of the business of the Government of India and for the allocation among Ministers of the said business.”

One is ‘for the more convenient transaction of the business of the Government of India’ and the other is ‘for the allocation among Ministers of the said business’. The amendment that is now proposed here in clause 14 seeks to preclude the court from peering into these rules for the more convenient transaction of the business of the Government of India. That is, this covers only the first part of 77(3), and the other part is left out. The purpose of my amendment is that it need not be necessary for the courts to look into the rules regarding ‘allocation among Ministers of the said business’ also. More or less, the two are interlinked. So, it would be enough if we simply say:

“No court or other authority shall be entitled to require the production of any rules made under clause (3).”

SHRI JAMBUWANT DHOTE: On a point of order. There is no quorum in the House.

MR. CHAIRMAN: Let the bell be rung... Now, there are 54 Members. There is quorum in the House. The hon. Member may continue.

SHRI O. V. ALAGESAN: As I was submitting, if you go through clause (3) of Article 77 of the Constitution, it says:

"The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business."

The two are inter-linked. It is better to preclude both these from the purview of the court, unless the Government specifically wants that rules regarding allocation among ministers of the business of the Government of India should be made available to a court.

श्री जंबुवंत धोटे : सभापति जी, कोरम यही भी नहीं है ।

MR. CHAIRMAN: The question of quorum is not a matter of Rules of Procedure. It is a matter for the Constitution. As to how the quorum is to be ascertained, there is no stipulation in the Rules of Procedure. The Chair is charged with the responsibility of seeing that there is a quorum and in case there is no quorum, to adjourn the House or suspend the proceedings. It is all right for some hon. Members to bring the matter to the notice of the Chair. There is no question of a point of order about it. The Chair will be keeping a vigilant eye and if the Chair is satisfied that there is no quorum, the Chair will suspend the proceedings and have the bell rung. Until then, this matter of quorum need not be raised. Until the Chair says that there is no quorum, it is to be presumed that there is a quorum.

SHRI P. G. MAVALANKAR: How can that be?

MR. CHAIRMAN: There are 54 Members and there is a quorum. The hon. Member, Shri Alagesan may continue.

SHRI O. V. ALAGESAN: Sir, unless the Government specifically want that the rules regarding allocation among Ministers of the business should be made available to the court, there is no reason why they should not accept this amendment.

श्री जंबुवंत धोटे : सभापति जी,
घटीकल 100

MR. CHAIRMAN: I know Article 100 of the Constitution. The question is, how to determine, who to determine whether and to what extent there is a quorum. There is no stipulation in the Rules of Procedure for any Member to raise this question. The Chair is supposed to be the custodian of the House and is responsible to keep a vigilant eye to see that there is a quorum. The Chair is responsible. The Chair is keeping an eye on this. The Chair is supposed to be more responsible about this matter than anybody else and so long as the Chair is here, the Chair is assumed to be having a sense of responsibility. I am keeping an eye on the House. I am satisfied that there is a quorum. The challenge is not accepted. I rule there is quorum.

SHRI JAMBUWANT DHOTE: Please see Article 100.

SHRI K. LAKKAPPA: He should not disturb.

MR. CHAIRMAN: There is quorum.
SHRI JAMBUWANT DHOTE: Please see article 100 (4).

"If at any time....."

SHRI K. LAKKAPPA: On a point of order, Sir.

MR. CHAIRMAN: You may read it.

SHRI JAMBUWANT DHOTE: Article 100 (4) says:

"If at any time during a meeting of a House there is no quorum, it shall be the duty of the Chairman or Speaker, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum."

(Interruptions)

MR. CHAIRMAN: I am satisfied that there is quorum. I have ruled that there is quorum. The challenge is not accepted. The House is sitting. It may not be interrupted.

SHRI JAMBUWANT DHOTE: That is all right.

SHRI O. V. ALAGEBAN: I am sorry for being interrupted for a matter of quorum.

It is perfectly all right for the Law Minister to depend upon his draftsmen to put the things properly and say what the Government thinks. But he should also rely on the Members of the House and correct himself wherever necessary.

SHRI D. K. PANDA (Bhanjanagar): On behalf of our Group I have already moved amendment No. 461 to Clause 14: It reads thus:

Page 5, line 15,—

after "India" insert—

"except in cases where such production is necessary to prevent failure of justice or misuse of power."

It cannot be said that this is a very simple thing. The seriousness of this amendment should be realised and appreciated. If we go by the practical experience, even to-day regarding the right of the person to call for a document to protect his interests the question arises whether the court can give an order to that effect or not. By this amendment the right is taken away. The court cannot call for a rule which was issued by the President. Our amendment is—

"except in cases where such production is necessary to prevent failure of justice or misuse of power"

This is on the basis of our previous experience. I will just draw the attention of the honourable Minister, Shri Gokhale to to-day's newspaper. D. M. K. Government refused to give documents to CBI. Here the question was very simple. There were some corruption charges and the Minister defended himself. The Ex-Chief Minister of Tamilnadu and the Minister defended the case. He relied upon certain documents. Therefore,

the responsibility was to be thrown on the officials who were acting under his guidance and order there. So, under such circumstances the particular Act was referred to. Shri Pandian said, the officials concerned in that case had been guilty of neglect of duty on two major counts. They had not put down on paper the oral orders received and had been a party to the deletion of notes at the instance of Ministers. This, the counsel said, was in gross violation of the All India Conduct of Civil Servants rules.

Now, Sir, I am drawing the attention of the hon. Minister, Mr. Gokhale to this. Here is a case where a Commission has been set up in Tamil Nadu. The Commission demanded that certain documents are to be produced. It is not only a document; there are certain rules which they wanted. But those things could not be produced by the DMK Government. They refused to produce these things, under the plea that it is a question of propriety and so on. Here is a question of central rule. Production of such a rule is necessary to protect the officials or the Ministers whoever may be the person concerned. It might cut either way. What will happen if there is going to be failure of justice or miscarriage of justice, especially in some cases where the Minister resorts to corruption and he wants to put the blame on the officials? It is a case of awarding the contract to some contractors. What is the rule to guide us? There is a rule. If such a rule cannot be brought to the court, the fates of the employees in the railways and in other Central Government agencies will be sealed; they will be ruined. It is their democratic right to demand the production of such documents. And when the employees rely upon any such rule, that rule must be produced. It is not only a question of central rule but there are other State rules also. There is a similar clause. Clause 23 which comes under Article 168 which also relates to any rule passed by the Governor. Take for example another

case. There is one Imarthe Saria, it is like a high court to deal with the personal law of the Muslims. In Rourkela they had their own office and that office was sealed under MISA; the secretary and other people were arrested. There was a circular by Government which, if produced, would have prevented such arrests. That is one example.

Secondly, I wish to point out about this case. At Haryana, in Kurukshetra district, Mr. Bhogendra Jha, went to address a meeting. 5 persons were arrested. One person was leader of Khet Mazdoor Union. Another was leader of Kisan Sabha. They were quite responsible people. They were arrested under MISA and under DIR. And this was done by some officers who were supporters of R.S.S. They were pro-RSS elements.

So, my point is this. If these documents giving instructions were produced, these people would not have been arrested.

19.00 hrs.

Therefore, you will find like that in the Railways. There are so many rules there issued from time to time by the President but they are not produced by which the employees of the railways can defend themselves. They rely upon those rules. Take for example a case of bribery, fixing of a particular business, regarding financial matters, dismissal or compulsory retirement of employees. There is no protection allowed to certain honest officers, patriotic officers. Suppose they have done something and when the time comes, the Minister may say that he has not done that thing but that it was done by the official. He will throw the responsibility on the officials. If the rules are allowed to be produced then officials can defend themselves by showing those rules in the court and get themselves exonerated from the charges made against them. This is the experience that we are having and

that is why we would urge upon the Minister to accept this reasonable amendment of mine.

SHRI H. R. GOKHALE: Sir, there seems to be a lot of misunderstanding about the rules that are referred to in this Clause. Shri Panda referred to the rules relating to the railways and so many other rules. They do not come into the picture at all and all the rules framed under the various enactments are not protected by this Clause from being produced. If you look at article 77 you will find for example that there are certain transactions of business rules.

For example there are what are known as transaction of business rules and the other set of rules is known as allocation of business rules. Here we are concerned only with one of the two-transaction of business rules. The rules framed under MISA or under the Railway Act or Government Servants conduct rules have nothing to do with this Clause. So, they will continue to be produced before the Court when called upon to do so.

So, the impression that is got by the hon. Member about these rules is thoroughly incorrect. The amendment to this clause is that when Government has to exercise its authority and to perform its business, the first thing which the Government has to do or the Prime Minister has to do is to allocate the business amongst the ministries. That means, the Ministry of Law and Justices and Company Affairs is given to Shri Gokhale who is a Minister in that particular ministry. Similarly, other matters are given to other ministries or Ministers. That is called allocation of business. That means the business of the Government is divided. We are saying that the allocation of business rules may be produced because when a citizen approaches the court, the court is entitled to know which business is allocated to such and such a Minister. The citizen is not expected to go and

[Shri H. R. Gokhale]

find that out. But without knowing the rules, to whom will he go for seeking redress in a particular matter, the subject-matter of which is the main concern about which he is worried?

Therefore, the allocation of business rules are quite different from financial rules transaction of business rules. The production of such rules is not barred.

Now we come to the transaction of business rules. You are talking of the railway rules, MISA and other rules under various enactments. Government frames separate sets of such rules for the transaction of its own business. Now, how their business is to be transacted, for the administrative purposes, is not the concern of anybody. So long as allocation of business is concerned everybody knows that. There is a point if any person says that in a particular case, he depends on the transaction of business rules. And yet, in many cases, a demand is made that the transaction of business rules should be produced. There is no justification at all for the production of the transaction of business rules.

Moreover, the idea is not only to prevent a person from asking for the production of rules but also to prevent the court from scrutinising the rules. So, to say that the court will have to see that in the interest of justice or such other thing is thoroughly irrelevant here. Justice does not depend on these rules. Therefore, the point here is that there is a misunderstanding obviously with regard to the operation of this rule. You need not be worried with regard to your Railway rules or MISA rules, Government service rules or any rules of that type, rules concerning the employees or anybody else, any other rule.

SHRI D. K. PANDA: Rules made by the President or Governor?

SHRI H. R. GOKHALE: They are not stopped from being produced. It is only the transaction of business rules which the Government frame for their internal administration. Allocation of business rules are not barred. That can be produced. Why in Court? Any citizen is entitled to know. He may say: 'I want to see what is the allocation of business, what Shri Gokhale is doing in Shastri Bhavan, what is given to him. Have I to go to him for redress or to Shri Raj Bahadur for redress?' He is entitled to know, to see the allocation of business rules. They are not barred. Only the transaction of business rules, with which the people are not concerned, the courts are not concerned, are barred. That is one thing.

The second thing is with regard to 'the convenient transaction of business', to which my friend, Shri Alagesan, referred. Article 77 refers to both, allocation of business and convenient transaction of business. But business is business of Government. One rule is in respect of allocation of business, the other rule is in respect of transaction of the business. The mere fact that the word 'business' occurs there does not mean that there is any inter-relation. It is simple grammar; instead of using the word 'business' twice, it says—allocation and transaction of business. Both pertain to business of Government. Therefore, the mere fact that 'business' occurs in relation to the two together does not mean that they are inter-connected.

Moreover, what we are really doing is to reproduce the language used in the Constitution already. Therefore omitting the words 'for the more convenient transaction of government business' is not only not necessary but might create some complications, because while on the one hand, we make a distinction between allocation of business, on the other we are talking of rules for the convenient transaction of business. Not because I do not regard his suggestions as not

valuable, but because there is a logical reason for maintaining it the way the draftsmen had drafted it that I am insisting that they should remain.

SHRI D. K. PANDA: What about transaction of financial matters? Suppose rules are passed by the President regarding certain financial matters?

SHRI H. R. GOKHALE: No rule which is not transaction of business rules is barred, whether it is financial rules or any other.

SHRI D. K. PANDA: It can also be included for the transaction of business.

SHRI H. R. GOKHALE: What is the rule he is referring to?

SHRI D. K. PANDA: I have given the example of the Central rules.

SHRI H. R. GOKHALE: I told you they are not barred.

SHRI D. K. PANDA: Suppose it is defence or security rules, that is possibly different. Except these why not the other rules be called for?

SHRI H. R. GOKHALE: We are dealing with a particular clause. It does not bar production of any of those rules.

SHRI D. K. PANDA: Suppose there is conflict between two Ministers, one wants to shove the responsibility on to another relating to transaction of business?

SHRI H. R. GOKHALE: I cannot advise you on all possible situations which arise in courts, but I can make a categorical statement that this is limited only to transaction of business. There is nothing more I can say.

Clause 15—

81).

MR. CHAIRMAN: Shri Alagesan—
amendment No. 325.

SHRI O. V. ALAGESAN: That is barred. I am not moving it.

Clause 16—

82).

SHRI BIBHUTI MISHRA: I beg to move:

Page 5,—

after line 28, insert—

“Provided further that the same constituency, irrespective of the population figure of Scheduled Castes, shall not be reserved for two or more consecutive elections to the House of the People or State Legislature.”(8)

चेयरमैन साहब, मेरा यह अमेंडमेंट बहुत ही महत्वपूर्ण है—

“Provided further that the same constituency, irrespective of the population figure of Scheduled Castes, shall not be reserved for two or more consecutive elections to the House of the People or State Legislature.”

19.11 hrs.

[SHRI P. PARTHASARATHY in the Chair]

ऐसा होता है कि कोई कांस्टीट्यूंसी चाहे लोक-सभा की हो, चाहे विधान सभा की हो, कहीं 49 परसेंट होते हैं और कहीं साढ़े-48 परसेंट होते हैं। आधे परसेंट के फर्क पर वह कांस्टीट्यूंसी बराबर ठीक होती है। नतीजा यह होता है कि और कांस्टीट्यूंसीज के शिड्यूलड-कास्ट के लोगों को तकलीफ होती है कि एक ही कांस्टीट्यूंसी बराबर रहती है और वहाँ के आदमियों को ही फायदा होता है। जो नान-शड्यूलड कास्ट के लोग हैं, वे भी सोचते हैं कि हम को भीका नहीं देते हैं। इस लिये शड्यूलड कास्ट की सीट पर इससे कोई फर्क नहीं पड़ता लेकिन एक ही सीट पर

[श्री बिभूति मिश्रा]

शिड्यूल्ड कास्ट के आदमी जमे रहें, यह ठीक नहीं है।

मेरा कहना यह है कि कांस्टीट्यूंसी बनाने के वक्त में कोई फिजिकल इन्स्पेक्शन नहीं होता है। इलैक्शन कमीशन के जो लोग होते हैं, जो जज होता है, वह कोई फिजिकल इन्स्पेक्शन कांस्टीट्यूंसी का नहीं करते हैं और वहां के कुछ अधिकारियों से पूछकर अपना मन बना लेते हैं। यह जरूर देखा जाना चाहिये कि वहां पर नदी है कि दही, कम्प्यूटेशन के साधन या दूसरी स्टूडियों है या नहीं हैं। लेकिन, कहीं की ईंट और कहीं का रोड़ा, भानुमती ने कुनबा जोड़ा, वाली बात होती है और ऐसे ही इधर-उधर करते रहते हैं।

गोखले साहब की कांस्टीट्यूंसी का मुझे पता नहीं कि वह शहर से आते हैं या गांव से आते हैं।

श्री एच० आर० गोखले : शहर से आता हूं।

श्री बिभूति मिश्र : इसीलिये मैं कहना चाहता हूं कि इलैक्शन कमिशनर जो हों, उनको पहले से जानकारी होनी चाहिये। स्टेट के इलैक्शन आफिसर से वे पूछ लेते हैं हर स्टेट में अपनी पोलिटिक्स होती है और वे लोग उस पोलिटिक्स के अनुसार कांस्टीट्यूंसी बना कर भेज देते हैं। उसके बाद दिल्ली के जो इलैक्शन कमिशनर होते हैं वह कोई चीज देखते भी नहीं हैं, जो वहां से बनकर जाना है, उसी पर हां या कां कर देते हैं। बदकिस्मती की बात यह है कि अभी श्री जो इलैक्शन कमीशन ने डी-लिमिटेशन किया है उसमें एक रिटायर्ड जज बराबर बैठे हुए हैं। मेरी राय है कि एक तो रिटायर्ड जज इसमें नहीं रहने चाहियें, कोई भी सिटिंग जज, चाहे सुप्रीम कोर्ट के रहें या हाईकोर्ट के, उन्हें

इलैक्शन कमीशन में रहना चाहिये जब डीलिमिटेशन किया जाता है। अब तक रिटायर्ड जज रहते हैं, वे इधर-उधर की बहुत सी बातें सुनते हैं और न्याय नहीं कर पाते हैं।

मेरा कहना यह है कि शिड्यूल्ड कास्ट की कांस्टीट्यूंसी को भूब करते रहना चाहिये ताकि सब लोगों को फायदा हो। इससे शिड्यूल्ड कास्ट के लोगों को भी फायदा होगा और नान-शिड्यूल्ड कास्ट के लोगों को भी फायदा होगा। एक ही जगह को पुनर्रज करने से कोई फायदा नहीं है। ऐसा करने से उनकी तादाद में कोई फर्क नहीं पड़ता है।

19.13 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

इस तरह से यह होता है कि एक जगह एक जाति का शिड्यूल्ड कास्ट का आदमी रहता है और दूसरी जगह दूसरी जाति का होता है। वह उसके स्थान पर आ सकता है अगर शिड्यूल्ड कास्ट की कांस्टीट्यूंसी को दूसरी जगह ले जाया जाये। ऐसा करने से सब को फायदा होगा।

इसलिये मेरा निवेदन यह है कि सरकार को जस्टिस नाम पर, न्याय के नाम पर इसको स्वीकार करना चाहिये जिससे सब के साथ न्याय हो। इस तरह से शिड्यूल्ड कास्ट और नान-शिड्यूल्ड कास्ट की सीटों में कोई फर्क नहीं होता है।

मैं फिर निवेदन करता हूं कि सरकार मेरे अमेंडमेंट को स्वीकार करे और इलैक्शन कमीशन में रिटायर्ड जज की जगह सिटिंग जज को रखना चाहिये। एक ही जज के रहने से इस बार जो डीलिमिटेशन किया गया है, उसमें न्याय नहीं हुआ है।

SHRI H. R. GOKHALE: All the questions which Shri Bibhuti Mishra has raised really cannot come in an amendment of this article. He talked about reservation of seats for sche-

duled castes. He said, if I understood him correctly, that if a certain constituency is reserved for scheduled castes, it should not continue to be reserved for more than 2 years. How is it possible? Reservation is given on the basis of the population of the scheduled caste voters in a particular area. In a certain area the scheduled castes population might go down so much that the reservation may have to be removed. In another area, the scheduled castes population may have gone up and it may be necessary to provide for reservation where reservation was not there. Therefore, a blanket ban saying for more than two years you cannot have reservation for a scheduled caste candidate in the same constituency goes contrary to the very basis of this allocation where depending on their strength you make the allocation.

He said, the same person should not be the Chairman of the Delimitation Commission every time after 3 years. Perhaps he is right and we should consider it when the question arises. But that does not arise here because the constitution of the Delimitation Commission is not done under the Constitution. Under the Constitution, a law has to be framed by Parliament and a law has been framed by Parliament. When the Delimitation Commission is constituted, it is for the government to appoint a person as Chairman. I will bear in mind this suggestion if I am there at that time. Or, whoever is there will bear in mind this suggestion that it is preferable if the same person is not appointed every time. I think that should satisfy him.

श्री बिभूति मिश्र : कहीं 49 परसेंट है, कहीं 48½ परसेंट है। हाफ परसेंट के फ्रक पर हो जाता है।

श्री एच० शार० गोखले : माननीय सदस्य यह बात इलैक्शन कमीशन और डिलिमिटेशन कमीशन को बता सकते हैं।

इस बारे में जेनेरल कल बनाना नामुमकिन है। वह नहीं हो सकता है।

SHRI D. B. CHANDRA GOWDA (Chikmagalur): May I know whether such reservations which have already been done will continue after 2000?

SHRI H. R. GOKHALE: Obviously they cannot continue. When the strength of the scheduled castes population is known as a result of the 1971 census, depending on the increase or decrease of the scheduled castes population reservation will have to vary from constituency to constituency. If there is no increase or decrease, nothing will happen.

SHRI K. NARAYANA RAO: Until that time are we not having census at all?

SHRI H. R. GOKHALE: We are going to have census. This clause does not provide that there will be no census. Census is not taken only for election purposes, but for various other purposes and census is taken under a special law for that purpose. Census will take place even in 1981. What is done here is, for purposes of allocation of seats and delimitation of constituencies, the census before 2000 will not be taken into consideration. That is all it means. It is not right to say that census will not take place.

Clause 17— (Amendment of article 83)

SHRI BIBHUTI MISHRA: I beg to move:

Page 5, line 35,—

for 'six years' substitute "seven years" (9)

SARDAR SWARAN SINGH SOKHI: I beg to move:

Page 5, line 34,—

after "the Constitution" insert—

'(a) in clause (1), for the words "every second year" the words "every third year" shall be substituted, and (b).'(30)

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

Page 5,—

omit lines 37 to 39. (109)

SHRI S. M. BANERJEE: I beg to move:

Page 5,—

for Clause 17, substitute—

"17. In article 83 of the Constitution, for clause (2) the following shall be substituted namely:—

(2) The House of the People, unless sooner dissolved, shall continue for a period of not less than five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House." (462)

श्री चित्रांगि मिश्र : यह संशोधन मैंने इसलिए रखा है कि इस एमरजेंसी में जो बीस और पांच सूत्री कार्यक्रम रखे गए वे कुछ अधूरे रह गए हैं, उनको पूरा करने के लिए मैंने यह लिखा है कि छः वर्ष से सात वर्ष किया जाए। मुझे या मेरी पार्टी को इलैक्शन का डर नहीं है। आज इलैक्शन हो, कल हो या साल भर पीछे हुआ होता तो मेरी पार्टी बहुमत में जरूर आ जाती। लेकिन सवाल यह है कि जिस काम को लेकर यह एमरजेंसी लगी और इसमें जो यह विधेयक आया है इसके मुताबिक जब काम होने वाला है, कितनी रिट पैटीशंस हाईकोर्ट्स में पड़ी हैं, वे जमीन से सम्बन्ध रखती हैं, जो बीस सूत्री कार्यक्रम से संबंधित है अगर उनको सरकार अधूरा छोड़ कर इलैक्शन में जाए तो इसके माने यह है कि ये काम छूट जाएंगे और साल षेड साल तक बन्द रहेंगे लेकिन ये इतने आवश्यक काम हैं

कि जिन के वास्ते हम यह कांस्टीट्यूशनल एमेंडमेंट कर रहे हैं; इसलिए यह इनके हित में है कि छः वर्ष के स्थान पर सात वर्ष लिया जाए। यह हो जायगा तो जितने देश के विनास के काय हाब में लिए हैं वे कार्य हो जाएंगे। हम पांच चुनाव लड़ते आये लेकिन पिछले पांच पांचवीं लोकसभा में एमरजेंसी के बाद हुए इतने और किसी लोक सभा में नहीं हुए। इसलिए प्रधान मन्त्री ने जो क्राफ्टिंग करी काम उठाया है उसको सफल करने के लिए यह जरूरी है कि एक साल इसे और बढ़ाया जाए। इस बीच ये सब काम पूरे हो जाएंगे।

सबसे ज्यादा जरूरी है कि जो घदालतों में मुफदमे पड़े हुए हैं जिनकी वजह से सीनियर का मामला एक इंच आगे नहीं खिंच रहा है उनको निपटारा जाए। बहुत से स्मार्त्स पकड़े गए हैं। उनको पकड़ने का कार्य भी अभी पूरा नहीं हुआ है। अभी भी तीन चार सौ स्मार्त्स आगे हुए हैं। उनको भी पकड़ना जरूरी है। इसलिए एमरजेंसी की हालत में और एक साल बढ़ाना जरूरी है। जब यह एमरजेंसी है तो ये काम है और ये काम है तो इन को करना है। इसलिए मैंने यह रखा है। कांग्रेसी पार्टी को जरा भी शक व सुबह्ना नहीं है कि चुनाव आजा हो कल हो जब भी हो कांग्रेस पार्टी जरूर जीतेगी। लेकिन कांग्रेस पार्टी चुनाव जीतते जीतते इस नतीजे पर पहुंची है कि हमें काम करना है न बराबर चुनाव के चक्कर में रहना है। किन्तु अगर कोई विरोधी पार्टी यह कहे कि हम चुनाव से डरते हैं तो ऐसी बात नहीं है। हम चुनाव से डरते नहीं हैं। इन्द्रजीत गुप्ता ने कहा कि हमने एक साल इसलिए बढ़ाया कि 20 सूत्री कार्यक्रम पूरा हो जाय। लेकिन उन्होंने कहा कि हुआ या नहीं हुआ चुनाव अब होना चाहिए। लेकिन मैं समझता हूँ कि किसी काम को हाथ में लिया तो आधा हुआ आधा नहीं हुआ, अधूरा छोड़ना ठीक नहीं है, उनको पूरा करना चाहिए और उसके बाद तब चुनाव होना चाहिए।

यही मेरा कहना है लेकिन इस बात को मैं साब्य करना चाहता हूँ कि कांग्रेस पार्टी को चुनाव लड़ने में और चुनाव जीतने में कोई दिक्कत नहीं है। आज इस देश की सारी गरीब जनता और गांव की जनता कांग्रेस के साथ है। इस देश में डिस्टिप्लिन आया है और चुनाव में कांग्रेस की विजय होकर रहेगी।

SHRI DARBARA SINGH (Hoshiarpur): Sir, I rise on a point of order. We have also given notice of our amendments to clause 17. But we find that in the announcement which was made from the Chair our names are missing.

MR. DEPUTY-SPEAKER: I will find out the position.

SHRI DARBARA SINGH: I am referring to amendment Nos. 287 and 288. Our names are not there.

MR. DEPUTY-SPEAKER: Let me explain the procedure. In Amendment No. 287 certain names have been given and at the end they have added "and others", may be because of lack of space. So, your name is not given. But now I have checked up the official copy. Your name is there, as also the name of Shri Mohinder Singh Gill.

संसार स्वर्ण सिंह लोखी (जमशेदपुर):

डिप्टी स्पीकर साहब, मैं अमेन्डमेंट नं० 9 और 30 पर बोलना चाहता हूँ। मेरा इस अमेन्डमेंट को देने का मकसद यह था कि जब मैंने इस बिल के ड्राफ्ट्स एण्ड रीजन्स को पढ़ा तो मुझे पता नहीं लगा कि 5 साल से 6 साल क्यों किए गए। इसका कहीं बिल में कोई मंशन नहीं है। इसलिए मेरा कहना था कि जिन सर्कम्स्टेंसेज में आप 5 साल से 6 साल कर रहे हैं उसी सर्कम्स्टेंस में 6 से 7 साल भी कर सकते हैं। हिन्दुस्तान एक बड़ा विशाल देश है, 5 साल में आप हर एक जगह एक्स्टेंडेट से मिलने के लिए नहीं पहुंच

सकते हैं। इसके लिए थोड़ा सा टाइम और मिलना जरूरी है। इसके अलावा पहले लोग मरते भी जल्दी थे लेकिन अब एवरेज लाइफ भी बढ़ गई है। अब एवरेज लाइफ 30 से बढ़ कर 50 तक हो गई है। अगर आप 7 साल नहीं रख सकते तो 6 साल ही क्यों रखते हैं। 5 साल ही रखिये। इसके अलावा राज्य सभा और लोक सभा में हमेशा एक साल का फर्क रहता चला आया है। पहले जिन्होंने इस टाइम को रखा था वे मुख्य नहीं थे; इसलिए मैं कहता हूँ कि या तो आप इसको 6 साल से बढ़ा कर 7 साल कीजिए या फिर इसको 5 साल ही रहने दीजिए। हमारा टाइम अगर बढ़ाना है तो फिर राज्य सभा का भी तीन तीन साल में बाई-एलेक्शन होना चाहिए। हमारा टाइम आप बढ़ाते हैं तो उनका भी बढ़ाएँ। इसलिए जो इसकी वजह है उनको आप देखें, हमें जवाब नहीं चाहिए, आज आप जवाब मत दें। इसका जवाब आप आज मत दीजिये, जिस दिन बोटिंग हो, उस दिन बता दीजिये। यह परमानेंट रूल बनाने वाली बात है— हम इसको 6 साल क्यों करें, और अगर 6 साल कर सकते हैं तो 7 साल क्यों न करें, राज-सभा का वक्त भी क्यों न बढ़ाएँ। जहाँ तक एक्स्टेंशन का सवाल है, हमारे संविधान में उस का प्रावजन है, इसलिये एक्स्टेंशन तो फिर भी ले सकते हैं उसमें हमें कोई शिकायत नहीं है। मैं तो यही चाहता हूँ कि आप दो दिन विचार कर लें, उसका जवाब बोटिंग वाले दिन हाँ या ना में दें।

SHRI C. M. STEPHEN: Mine is a very simple amendment.

Sub-clause (1) says that it must be six years instead of five years, and sub-clause (2) says that it would apply to the present House. This House which is in existence will have its tenure up to March, 1977.

SHRI C. K. CHANDRAPPA: Illegimately.

SHRI C. M. STEPHEN: The legitimisation took place by the law that we passed. That the life of this Lok Sabha was extended by an Act and everything else will be forgotten, and it will be said that the Lok Sabha, finding that its time was about to end, amended the Constitution in order that it might continue for one year more. That should not happen.

Every amendment must have a purpose. This sub-clause has no purpose because this House, even without this sub-clause, will be sitting for full six years.

On the other hand, let us very generously grant six years to the State Assemblies, let us not appropriate it to ourselves. We are here anyway. This sub-clause is absolutely unnecessary. Therefore, I have moved that if six years is the proposition, it should not remain a part of the Constitution as a standing proclamation that here was a House which, by amending the Constitution, appropriated to itself for one more year, that for continuing for one year more it went to the extent of amending the Constitution. Therefore, I have moved my amendment.

श्री राजेन्द्र प्रसाद यादव (मधेपुरा) : उपाध्यक्ष जी, क्लॉक 17 के माध्यम से अनुच्छेद 83 के खण्ड (2) में "पांच वर्ष" के स्थान पर "छह वर्ष" का प्रवधान किये जाने की व्यवस्था की गई है, मैं अपने संशोधन द्वारा यह निवेदन करना चाहता हूँ कि इस भवधि को "सात वर्ष" कर दिया जाय।

मैं आप से पूछना चाहता हूँ कि पांच वर्ष से छह वर्ष करने का कारण क्या है? जैसा हमारे कुछ बोस्तों ने बताया है कि आर्यजैतुस में इसका कोई कारण नहीं दिया गया है।

हमें तो ऐसा लगता है कि राज्य सभा का कार्यकाल 6 वर्ष का होता है, उसी के अनुसार इस को भी 6 वर्ष किया गया है। लेकिन, उपाध्यक्ष जी, लोक सभा जनता द्वारा सीधे चुन कर यहां आती है, इस लिये इस को थोड़ी प्रायोरिटी मिलनी चाहिये, इसको थोड़ी ज्यादा मान्यता दी जानी चाहिये — स दृष्टिकोण से मैं चाहता हूँ कि इस कार्यकाल को सात वर्ष किया जाय।

दूसरी बात मैं यह निवेदन करना चाहता हूँ—बहुत से देशों में सात वर्ष की व्यवस्था है, मैं यह नहीं कहता हूँ कि उन की नकल की जाय। लेकिन हम अपने यहां पंचवर्षीय योजना बनाते हैं, पांच वर्ष तो हम को उस योजना को कार्यान्वित करने में बीत जाते हैं, यदि लोक सभा का कार्यकाल पांच वर्ष रहता है तो हमें योजना के कामों को इवैल्यूएट करने का समय नहीं रह जाता है, हमें यह अन्दाजा लगाने का समय नहीं रह जाता है कि हम ने कितना काम किया, कितना नहीं किया, उन में कहां तक सफलता मिली है और कहां तक नहीं मिली है। यदि लोक सभा की भवधि दो वर्ष के लिये और बढ़ा दी जाय तो हमें अपनी पंचवर्षीय योजना के कामों को इवैल्यूएट करने का समय मिल जायगा और जो काम नहीं हो पाये होंगे उन को पूरा करने की दिशा में कदम उठाने का हम को मौका मिल सकेगा।

हिन्दुस्तान एक गरीब मुल्क है—पांच वर्ष के बाद चुनाव होने में बहुत पैसा खर्च होता है, यदि हम इस भवधि को बढ़ा कर सात वर्ष कर दें तो इस से पैसे की काफी बचत हो सकती है।

मैं एक बात और कह देना चाहता हूँ—जो नये माननीय सदस्य चुन कर आते हैं—एक साल तो उनको हाउस की प्रोसीडिंस को समझने में लग जाता है। और एक साल इलैक्शन की तैयारी में लग जाता है। इस दृष्टिकोण से मैं चाहता हूँ कि 7 वर्ष की टर्म हो।

अन्त में मैं एक बात और कहना चाहता हूँ कि जैसा कि विभूति मिश्र जी ने बताया कि हमारे मुल्क में बीस सूत्री कार्यक्रम और पांच सूत्री कार्यक्रम चल रहा है और उस का इम्प्लीमेंटेशन होना आवश्यक है। स दृष्टिकोण से भी यदि 7 वर्ष का टर्म हो, तो हम उस पर ज्यादा समय दे सकेंगे। वास्तव में हमें इलेक्शन से कोई घबराहट नहीं है, हम इलेक्शन में जा सकते हैं और आज तक इलेक्शन लड़ते आए हैं और हमारा विश्वास है और मैं समझता हूँ कि देश का विश्वास है सारे सदन का विश्वास है कि कांग्रेस इससे भी ज्यादा मैजोरिटी में इलेक्शन में आएगी लेकिन मैं अवश्य चाहता हूँ कि बीस सूत्री कार्यक्रम और पांच सूत्री कार्यक्रम को पूरा किया जाए इस दृष्टिकोण से भी इस सदन का समय सात वर्ष किया जाए।

श्री मुहम्मद अमीनुर्रहमान : जनाब डिप्टी स्पीकर साहब, मैं बहुत शुक्रगुजार हूँ कि आप ने मुझे बोलने का मौका इनायत فرमाया है और मैं शास्त्री जी की मुस्कराहट देख रहा हूँ और जो उन के बाजू में लायक होस्त बैठे हैं, उन की मुस्कराहट देख रहा हूँ। मैं यह बता दूँ कि इलेक्शन से कांग्रेस पार्टी अभी भी नहीं घबड़ाई। उस का एक बुनियादी उसूल है और उस बुनियादी उसूल की बुनियाद पर हम ने पिछली बार कांस्टीट्यूशन बनाया था और बुनियादी उसूल की बुनियाद पर बराबर हमारी पार्टी चुनती आ रही है चाहे पार्लियामेंट में हो, चाहे एसेम्बलीज में हो। अगर आप यह समझते हैं कि मखौल उड़ा कर, जैसाकि यह अभी तक करते आ रहे हैं, इस इम्पोटेंट बात को उड़ा, तो यह नामुमकिन बात है। अगर इलेक्शन नहीं होता है तो उस की भी रीजनिंग होती है। मैं इस तरह का लैक्शन नहीं चाहता जैसाकि इन के यहां होता है कि एक आदमी को खड़ा कर दिया और वह चुन लिया गया। अगर उस तरह का कांस्टीट्यूशन यहां पर होता तो आप लोग नजर नहीं आते।... (अव्यवधान)

श्री राधाकृष्णन : यह तो वाद में देखा जाएगा कि कौन नजर आता है।

श्री मुहम्मद अमीनुर्रहमान : हमारी पार्टी का, हमारे लीडर का जो बुनियादी उसूल है, वह अवाम की खिदमत करना है। अभी तक हम यह करते आए हैं। आप यह देखें कि हम ने आजादी के बाद से कितना काम किया है। क्या हम ने स्टूडेंट्स के लिए काम नहीं किया? क्या हम ने ग़ीबों के लिए नहीं किया? क्या हम ने लैंड रिफार्मस लागू नहीं किये? क्या हम ने मजदूरों के लिए काम नहीं किया? क्या किसानों के लिए नहीं किया? यह ठीक है कि हम उतना काम नहीं कर पाए हैं जितना करना चाहिए था? (अव्यवधान)... आप बीच में नट्ट न कीजिए। आप ने बिहार में जन संघ के साथ मिल कर मिनिस्ट्री बनाई थी।... (अव्यवधान)... आप डिस्टेंब न कीजिए।

डिप्टी स्पीकर साहब, पिछले 10 वर्षों से पहले किन लोगों ने डिस्टिपलिन को खराब किया था, किन लोगों ने प्रोडक्शन और डिस्ट्रीब्यूशन में रुकावट डाली थी एग्रीकल्चर में और इंडस्ट्री में। यह कोई ढकी छिपी बात नहीं है। ऐसे हालात पैदा किये गये थे जिन से मुल्क का नुकसान हुआ, इंडस्ट्रीज में प्रोडक्शन कम हुई और प्रोडक्शन का नुकसान हुआ, मुल्क में कामी मिलकियत का नुकसान जरूर हुआ। इस में कोई दो राय नहीं है कि काफी नुकसान हुआ था लेकिन इस में भी दो राय नहीं है कि इमर्जेंसी से काफी गेन्स हुए हैं। यह कोई ढकी छिपी बात नहीं है। आप के भी स्टेटमेंट्स आ चुके हैं दूसरी पार्टीज के लोगों के भी स्टेटमेंट्स आ चुके हैं और इंडिडेंट्स के भी स्टेटमेंट्स आ चुके हैं कि इमर्जेंसी में काफी गेन्स हुये हैं। एमरजेंसी के बाद देश में प्रोडक्शन बढ़ा है, सभी में प्रोडक्शन बढ़ा है। चाहे वह एग्रीकल्चर हो, चाहे इंडस्ट्री हो।

मोहतरिम डिप्टी स्पीकर साहब, अजं यह है कि इस पिछले डेढ़ साल में आम आदमी की जिन्दगी में खुशहाली की लहर

[श्री मुहम्मद जमील-उर-रहमान]

भायी है। ऐसी हालत में देखना यह है कि जब मुल्क में फाइव इयर प्लान पर हजारों करोड़ रुपये खर्च होते हैं तो वह किस के लिये खर्च होते हैं। वह अवाम की तालीम पर, अवाम की सेहत के लिये खर्च होते हैं। और भी अवाम के बहुत सारे काम हैं जिन पर यह रकम खर्च होती है। पांच वर्ष में उस की समीक्षा या रिव्यू का आप के पास टाइम नहीं रहता। इस मियाद के अन्दर आप यह नहीं कर पाते हैं जिसका नतीजा यह होता है कि वह रकम या प्रोजेक्ट्स ओवरलेप कर जाते हैं।

इस सदन में दो दिन पहले डिप्टी फाइव इयर प्लान का एक हिस्सा रखा गया, हालांकि वह बहुत पहले रखा जाना चाहिये था। सवाल यह है कि यह जो खर्चा हम अवाम के लिये खर्च करते हैं, उस की समीक्षा होनी चाहिये या नहीं। आप ने ठीक तरह से अग्रेडमेंट की कि एक वर्ग पार्लियामेंट की ज़िम्दारी बढ़े। क्यों कि पांच वर्ष में जो खर्चा आप ने खर्च किया, उस के छठे वर्ष में रिव्यू किया कि सही भावने में काम ठीक ठाक चल रहा है या नहीं। अब रिव्यू करके जब पता लगा कि यह काम नहीं हो पाये है तो उस की रिस्पॉन्सिबिलिटी भी फिक्स करनी है। उस टाइम लिमिट में तो यह काम नहीं हो सकता। आप को यह देखना है कि ब्लाक लेवल पर या जिला लेवल पर किस की रिस्पॉन्सिबिलिटी है। कितना काम किस अवामी ने इन पांच सालों में नहीं किया और कौन इस के लिये जिम्मेदार है, यह भी तय करना है और रिस्पॉन्सिबिलिटी फिक्स करनी है। लिहाजा मेरी गुजारिश है कि हमारे मिनिस्टर साहब को इस को मानने में कोई एतराज नहीं होना चाहिये। मेरा क्या है कि गोखले साहब मेरी दलील पर अकूर चुक गए होंगे।

जहां तक एलेक्शन का सवाल है, इस में दो रायें नहीं हैं कि एलेक्शन होने चाहियें। हम एलेक्शन लड़ते आ रहे हैं और लड़ते भी आ रहे हैं। हम अवाम की जिम्मेदारी करते आये हैं और करते रहेंगे। हमें इलक्शन लड़ने में कोई एतराज नहीं है। मुझे पूरी उम्मीद है कि इस बहस को सुनने के बाद इस तरकीब को हमारे गोखले साहब मान लेंगे। अगर वह इसे मान लेंगे तो मुझे पूरी खुशी होगी।

[श्री मुहम्मद जमील-उर-रहमान]

جانب ذہنی سہجو صاحب میں بہت شکر گزار ہوں۔ کہ آپ نے مجھے بریلے کا موقعہ ملائیت عرسایا ہے اور میں شاستری جی کی مسکراہٹ دیکھ رہا ہوں اور جو اس کے بازوؤں میں لائق درست ہمتے میں اس کی مسکراہٹ دیکھ رہا ہوں۔ میں یہ بتا دوں کہ الیکشن سے کانگریس پارٹی کمزور بھی نہیں کہواری۔ اس کا ایک بنیادی اصول ہے اور اس بنیادی اصول کی بنیاد پر ہم نے پچھلی بار کانسی ٹیوشن بنایا تھا۔ اور بنیادی اصول کی بنیاد پر برابر مساوی پارٹی چلتی آ رہی ہے۔ چاہے پارلیمنٹ میں ہو چاہے اسمبلی میں ہو۔ اگر آپ یہ سمجھتے ہیں کہ یہ اصول اڑا کر جھٹکا کہ یہ ابھی تک کرنے آ رہے ہوں۔ اس اسپرٹ میں

شری مسعود جمیل الرحمان:

بات و اڑا دیں تو یہ نا ممکن بات ہے۔ اگر الیکشن نہیں ہوئے تو اس کی بھی رہنمائی ہوتی ہے۔ اس طرح کا الیکشن نہیں چاہتا جیسا کہ انکے یہاں ہوتا ہے کہ ایک آدمی کو کھڑا کر دیا اور وہ چن لیا گیا۔ اگر اس طرح کا کاؤنگی توڑی یہاں پر ہوتا تو آپ لوگ نظر نہیں آتے (وودھان)

شری راجو شامتری:

بعد میں دیکھا جائیگا کہ کون نظر آتا ہے۔

شری مسعود جمیل الرحمان:

ہماری پارٹی کا ہمارے لیڈر کا جوا بھائی اصول ہے وہ عوام کی خدمت کرنا ہے۔ ابھی تک ہم یہ کرتے آئے ہیں۔ آپ یہ دیکھئے کہ ہم نے آزادی کے بعد سے کتنا کام کیا ہے۔ کیا ہم نے اسٹیبلشمنٹ کے لئے کام نہیں کیا؟ کیا ہم نے فریڈم کے لئے کام نہیں کیا؟ کیا ہم نے لیڈر فارمز لگو + ن کئے؟ کیا ہم مزدوروں کے لئے کام نہیں کیا؟ کیا کسانوں کے لئے کام نہیں کیا؟ یہ تھک ہے کہ ہم اتنا کام نہیں کر پائے ہیں جتنا کرنا چاہتے تھے۔ (وودھان) آپ بچے میں انٹرویو نہ کیجئے۔ آپ نے بہار میں جی سلک کے ساتھ مل کر میسٹری بلائی تھی (وودھان) آپ ڈسٹرب نہ کیجئے۔

تپتی سپیکر صاحب پچھلے دو

بوسوں سے پہلے کن لوگوں نے تسلیں کو خراب کیا تھا؟ کن لوگوں نے پروڈکشن اور ڈسٹریبیوشن میں رکاوٹوں ڈالی تھیں؟ ایگریکلچر میں اور انڈسٹری میں۔ یہ کوئی ذمہ کی چھٹی بات نہیں ہے۔ ایسے حالات پیدا کئے گئے تھے جن سے ملک کا نقصان ہوا، انڈسٹری میں پروڈکشن کم ہوئی، اور پروڈکشن کا نقصان ہوا، ملک میں قومی ملکیت کا نقصان ضرور ہوا۔ اس میں تو دو رائے نہیں ہیں کہ کافی نقصان ہوا تھا۔ لیکن اس میں بھی دو رائے نہیں ہیں کہ ایگریکلچر سے کافی کمی ہوئے ہیں۔ یہ کوئی ذمہ کی چھٹی بات نہیں ہے۔ آپ کے بھی سٹیٹمنٹ آچکے ہیں، دوسری پارٹی کے لوگوں کے بھی سٹیٹمنٹس آچکے ہیں اور انڈسٹریل ڈیولپمنٹ کے بھی سٹیٹمنٹس آچکے ہیں کہ ایگریکلچر میں کافی کمی ہوئے ہیں۔ ایگریکلچر کے بعد دیہی میں پروڈکشن بڑھا ہے سبھی میں پروڈکشن بڑھا ہے۔ چاہے وہ ایگریکلچر ہو چاہے انڈسٹری ہو۔

محترم تپتی سپیکر صاحب عرض

یہ ہے کہ اس پچھلے ڈھائی سال میں عام آدمی کی زندگی میں خوشحالی کی لہر آتی ہے۔ ایسے حالات میں دیکھنا یہ ہے کہ جب ملک میں فائو ایر ۲۷۱ پر ہزاروں کروڑ روپے خرچ

شری محمد جمیل الرحمان:

ہوتے ہیں تو وہ کس کے لئے خرچ ہوتے ہیں - وہ عوام کی تعلیم پر، عوام کی صحت کے لئے خرچ ہوتے ہیں - اور بھی عوام کے بہت سارے کام ہیں جن پر یہ رقم خرچ ہوتی ہے - پانچ برس میں اسکی سکشا یا دیویو کا آپ کے پاس ٹائم نہیں رہتا - اس میعاد کے اندر آپ یہ نہیں کر پاتے ہیں جس کا نتیجہ یہ ہوتا ہے کہ وہ رقم یا پروجیکٹ اور لیپ کر جاتے ہیں -

اس سدن میں دو دن پہلے فیکٹم فائو اپر پلان کا ایک حصہ رکھا گیا تھا حالانکہ وہ بہت پہلے رکھا جانا چاہئے تھا - سوال یہ ہے کہ یہ جو دیویو ہم عوام کے لئے خرچ کرتے ہیں اسکی سکشا ہونی چاہئے یا نہیں؟ آپ نے تھوک طرح سے اسپیڈ میٹ کی کہ ایک ورہ پارلیمنٹ کی زندگی بڑھے کہونکہ پانچ ورہ میں جو دیویو آپ نے خرچ کیا اسکو چیتے ورہ میں دیویو کیا کہ صحیح معلیٰ میں کام تھوک تھا کہ چل رہا ہے یا نہیں اب دیویو کر کے جب پتہ لگا کہ یہ کام نہیں ہو پائے ہیں تو اس کی رسونسیبلٹی بھی فکس کر لی ہے - اس ٹائم لمٹ میں توئی یہ کام نہیں ہو سکتا - آپ کو یہ

دیکھنا ہے کہ بلیک لیول پر یا فلیٹ لیول پر کسی دیسپانسیلٹی ہے - کتنا کام کس آدمی نے ان پانچ سالوں میں نہیں کیا - اور کون اس کے لئے ذمہ دار ہے - یہ بھی طے کرنا ہے اور دیسپانسیلٹی فکس کرنی ہے - لہذا مہری گزارش ہے کہ ہمارے منسٹر صاحب کو اسکی مانگی میں کوئی اعتراض نہیں ہونا چاہئے - میرا خیال ہے کہ گوکھلے صاحب مہری دلیل پر ضرور خوش ہوئے ہونگے -

جہاں تک الیکشن کا سوال ہے اس میں دو رائے نہیں ہیں کہ الیکشن ہونے چاہئے - ہم الیکشن لڑتے آ رہے ہیں اور لڑاتے بھی آ رہے ہیں - ہم عوام کی خدمت کرتے آئے ہیں اور کرتے رہیں گے - ہمیں الیکشن لڑنے میں کوئی اعتراض نہیں - مجھے پوری اُمید ہے کہ اس بحث کو سفلے کے بعد اس ترسوم کو ہمارے گوکھلے صاحب مان لیں گے - اگر وہ اسے مان لیں گے تو مجھے پوری خوشی ہوگی -]

MR. DEPUTY-SPEAKER: Shri S. M. Banerjee.

SHRI S. M. BANERJEE: Mr. Deputy-Speaker, Sir,....

MR. DEPUTY-SPEAKER: Just a inute.

SHRI S. M. BANERJEE: I am on my legs.

MR. DEPUTY-SPEAKER: When you are on your legs and I am on my legs, your legs must crumble.

I think, it was announced by the Speaker that in case a number of Members have given notice or have moved the same amendment, then, at least two of them can be given a chance from each group. Mr. Jagannath Mishra, do you want to speak? If you want, you can.

श्री जगन्नाथ मिश्र (मधुबनी) : उपाध्यक्ष महोदय, जब हम इस संशोधन पर चर्चा कर रहे हैं तो मैं विपक्ष के अपने दोस्तों को पूरी ताकत के साथ कहना चाहता हूँ और उन्हें यह जता देना चाहता हूँ कि हम इलेक्शन लड़ने से डरने वाले नहीं हैं। हम देश के कल्याण में, गरीबों के उत्थान में विश्वास रखते हैं। समय साक्षी हैं कि पूर्व में जब हमने देखा कि सदन वास्तविक काम नहीं कर रहा है तो हमने समय से पहले ही इस सदन को भंग कर दिया।

आज हम संविधान में सुधार करने के लिए बहुत अच्छे अच्छे संशोधन लाये हैं। उनका सफल कार्यान्वयन हो यह हमको देखना है। उनको कार्यान्वित करने के लिए समय की आवश्यकता है। जिस तरह से असन्तुष्ट हो कर हमने इस सभा को समय से पहले भंग कर दिया था आज उसी जोश में आ कर हम यह चाहते हैं कि हमें अपने कार्यक्रमों को सफल करने के लिए समय मिले। यह कोई हंसी मजाक की बात नहीं है। बहुत गम्भीर चीज है और गम्भीरता से इस पर विचार होना चाहिए। हमने छः वर्ष का समय किया है। लेकिन छठा वर्ष बीत रहा है। फिर इन कार्यक्रमों का कार्यान्वयन कब और किस प्रकार होगा? मैं विपक्ष के साथियों से पूछना चाहता हूँ कि इनको सफल बनाने में उनको अभिरुचि है और हैं तो क्या जो समय बाकी रह गया है वह पर्याप्त है और अगर नहीं है तो इसमें उनको हमारा साथ देना चाहिए ताकि इन कार्यक्रमों को सफल बनाया जा सके। जनता को दुहाई दी जाती

है। जनता के हित में हो इन संशोधनों को जो आवश्यक थे लाया गया है। लेकिन इन संशोधनों से हो काम नहीं चल सकता है। आवश्यकता इस बात की है कि जो कार्यक्रम है वह सफल हो और उसके लिए समय चाहिए। इसी वास्ते कुछ दोस्तों ने और मैंने यह उचित समझा है कि ज्यादा नहीं तो कम से कम एक बरस समय बढ़ा दिया जाय। यह साधारण भा संशोधन है। बहुत बड़ी बात नहीं है। मैं चाहता हूँ और प्रार्थना करता हूँ कि विधि मंत्री जी इस पर विचार करें और गम्भीरता से विचार करें। बीस सूत्रों और पांच सूत्री कार्यक्रम हमने देश के सामने रखा है। केवल कार्यक्रम रख देने से काम नहीं चल सकता है। जरूरत इस बात की है कि उनको कार्यान्वित किया जाये। आप तो जानते हो है कि कोर्ट के साथ हमें किस तरह से निपटना पड़ा है। उस झगड़े से निपटने के लिए ही ये संशोधन पेश किये जा रहे हैं। इनसे यह प्रमाणित हो जायेगा कि कोर्ट नहीं बल्कि यह सदन सर्वोच्च है, इसकी सत्ता सर्वोच्च है। गरीबों के उत्थान के लिए, दलितों के क्राण के लिए देश के विकास के लिए जो हम को काम करने है उनको करने के लिए बूक अरब कोर्टों का दखल नहीं होगा, हम को समय चाहिए। इस वास्ते हम ने यह संशोधन दिया है। आप इसको हलके से न लें। हलके से लेने वाली यह चीज नहीं है। बूक हम सन्तुष्ट नहीं थे इस वास्ते हमने एक व्यापक संशोधन इस सदन के सामने रखा और इसको यह सदन स्वीकार करने जा रहा है। लेकिन अपने कार्यक्रम के कार्यान्वयन के लिए हमें समय चाहिए और इसो को दृष्टि में रखते हुए हमने छः के बदले सात वर्ष की बात कही है। मैं चाहता हूँ शीघ्र प्रार्थना करता हूँ कि सरकार इसको अपनी सहमति दे और सदन भी इसको स्वीकार करे।

SHRI S. M. BANERJEE: Mr. Deputy-Speaker, Sir, the amendment

[Shri S. M. Banerjee]

that has been moved on behalf of our Party to Clause 17 is as follows:—

‘for Clause 17, substitute—

“17. In article 83 of the Constitution, for clause (2) the following shall be substituted, namely:—

(2) The House of the People unless sooner dissolved, shall continue for a period of not less than five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House.”

We not only want that the term should be five years but that, on the day the term is finished, automatically, the House should stand dissolved. I remember, when the Bill to extend the life of this House was moved in this House, we opposed it, but we were assured by the Treasury Benches and by the hon. Minister that, because of certain conditions prevailing in the country on account of internal disturbances and the disturbances created by the right reactionary forces and some of the foreign forces, the life of the Parliament was being extended by another year. I am not in a position to quote the exact words of the hon. Minister. But I remember, the Treasury Benches definitely assured this House that it would not be repeated. At that time, we took the assurance of the ruling party more seriously. Every time they say that the MISA will not be misused, but it is always misused. We should have thought at that time that they would behave in the same way here also. And what arguments have been advanced? My hon. friend, Shri Bibhuti Mishra, who is supposed to be the father of this House, who is the eldest Member of this House...

SHRI BIBHUTI MISHRA: I am father of only my own sons and daughters—

SHRI S. M. BANERJEE: Alright; he is the uncle of this House.

He had advanced some arguments and I fully agree with him that the Congress Party, the ruling Party, the biggest party is not afraid of elections. We do not dispute this; they have a glorious tradition and a glorious heritage and everything. But here, it was a question of holding elections. Another argument which he advanced was that for the success of 20-Point Programme, some more time is needed. How did you want only this time? It is just like a contractor constructing a building and asking for more time for completion of the construction. How for the success of the 20-Point Programme, is this necessary? The question is: does he feel that it will be completed within seven years? Whether I remain or anybody remains in this House, this House will function. If it is wedded to socialism and for the success of socialism, the job will be accomplished. We are trying to implement the 20-Point Programme. Whether Banerjee remains or Bibhuti Mishra remains or not, the sons of the soil will be elected in the House and they will implement the programme. Do you think that it is our monopoly and it is only we who can talk of socialism. I do not come from the family of legislators; my son is not a legislator, my father was not a legislator. I am only one piece. Even if I do not remain in the House, the country does not lose anything. If I have been able to educate my people, if I have been able to create a cadre in my party who will shed their last drop of blood for the sake of socialism and for this country, and who are capable of fighting the right reactionary forces inside the country and the forces of imperialism outside the country, I think, I should even die today. I have done my duty for the last twenty years for the cause of the people and today, why should I ask for another year? It is the people, who are the custodian of the House. We should be an ideal to the people. What will be the reaction outside? What will the counter-reactionary

forces and the right reactionary forces say to the country? Shri Madhu Limaye resigned. What are the grounds? He said that from 18th March, 1976, this Parliament is not a legally constituted Parliament. I think, this is what he wrote; it was not announced.

Shri Bibhuti Mishra said that this was necessary for the implementation of the programme. Shri Jamilurrahman, a good friend of mine, said हमें जनता की खिदमत करने का मौका दिया जाये।

श्री बिभूति मिश्र : पॉइंट ऑफ़ ऑर्डर। जितने मीनिंग के केसेज हैं उनमें से अधिकांश केसेज हाई कोर्ट में गये हैं। ऐसे समय में द्वारा इलेक्शन हुआ तो जितनी रिट पेटिशन्स सीलिंग से संबंधित हैं और 20-सूची कार्यक्रम से संबंधित हैं तो इन पेटिशन्स का फैसला नहीं हो पायेगा और सरकार इस कार्यक्रम को इम्प्लीमेंट नहीं कर पायेगी अगर इलेक्शन में इस समय चले गये तो। इसलिये उनको इम्प्लीमेंट करने के लिये यह जरूरी है कि एक साल के लिये समय लिखा जाय। वैसे ही लोग जमीनों बेनामी तौर पर ट्रांसफर कर रहे हैं और अगर सीलिंग को जल्दी इम्प्लीमेंट नहीं किया गया तो उन जमींदारों को बेनामी ट्रांसफर करने के लिये और समय मिल जायेगा और हमारा परपज ही डिफ्रोट हो जायेगा। इसलिये आप को उनसे जल्दी से जल्दी जमीन निकालनी है। इस एक्ट को पास करके जमीन निकालिये, और अगर देरी हो जायेगी तो जमीन नहीं निकाल सकेंगे।

(Interruptions)

SHRI S. M. BANERJEE: Mr. Chairman, Sir, he can be a pensioner. Now we have sanctioned pension for M.Ps. Pensioners also work. Now all members are entitled to a pension. This is the biggest consideration and I am

happy about it because I do not expect to be elected every time and come to the Central Hall and I do not want to occupy the garages of other MPs. I do not want it. After all they had their time and they have done their best to the country. I can understand if some cogent argument can be advanced which is tenable or which will convince us to support this 7-year proposal. Somebody said, for the completion of the five year plan, we want a 7-year Lok Sabha. Then the five year plan also should be a seven year plan. Somebody said if the Rajya Sabha has a six year term, we should be given at least one year more.

मेरा कहना यह है कि इससे अच्छा हो कि सेंट्रल हाल में रहिये, चाहे 6 साल रहिये या 10, 12 साल रहिये।

The question is: I would like them to convince us that a seven year term is justified. It was five years then it is extended by one year and in this Bill, to regulate that it is made six years. That is understandable. But again to make it 7 years, I cannot understand.

हमारे जमीनदरमान साहब कहते हैं कि छोटी सी बात है, मान लीजिये। मैं कहता हूँ कि अच्छा यह छोटी सी बात है, चलिए एक छोटी सी गोली खा लीजिये, फिर मज़ा देखिये कि क्या होता है।

Exactly, some people say, 'See the magic'.

Then, Shri Darbara Singh has moved his amendment. I have great regard for him. I would request him to throw some light on this. Otherwise we may be in a blind alley. All right, have seven years but what is going to happen in the seventh year? I must know. In that case, I would like this Parliament to be a permanent Parliament and a permanent Lok Sabha and the vacancies

[Shri S. M. Banerjee]

can be filled by appointment of the sons and daughters without going to the Employment Exchange. That is understandable. I would only request the hon. Members to convince us. We are not arrogant people. We support you on anything and everything. We are supporting this Constitutional Amendment Bill. We are the only Opposition here and Mr. Dhote is there. The question is: we want to support and argue with others. The question is: nobody is afraid of elections. In an election, what can be the result? Either a person gets defeated or he wins. So, let somebody, either the Prime Minister or the Law Minister or any Minister who is capable of explaining to us logically, explain to us the logic behind this seven-year proposal (Interruptions) Six year is already there. The question raised is to extend it to seven years.

हमें जनता से तो पूछ लेना चाहिए कि खिदमत चाहती है या नहीं। जनता कहती है कि वाहि-वाहि, लेकिन हम कहते हैं कि खिदमत करेंगे।

मैं गुजरािश करूंगा अपने दोस्तों से कि अगर जनता की खिदमत आप करना चाहते हैं, तो आप भी करें और हम भी करें, लेकिन वह करें जो जनता मान जाये। इसर जनता कहती है कि हमको भी 7 साल के बाद खिदमत का मौका दीजिये।

उपाध्यक्ष महोदय, मैं अपने यह कहना चाहता हूँ कि इलेक्शन का जमाना ऐसा होता है कि उस वक्त हमारे बाल की खाल गिराली जाती है। मैं इलेक्शन के जमाने की एक जगह की बात बताता हूँ। एक बूढ़े आदमी अपनी फांस्टीटुएँसी में नहीं जाते थे लेकिन उन्होंने एक बार जाकर पूछा कि यहाँ सफाई होती है या नहीं, जमादार आता है या नहीं, तुम्हारी नालियाँ गंदी रहती है। किसी ने उनसे कहा कि जमादार आता तो है, लेकिन पांच साल में एक मर्तबा - अब वह फिर पांच साल के बाद आयेगा।

20.00 hrs.

इस मांग के पीछे कोई दलील नहीं है कि सात साल क्यों कर दिया जाये। सिर्फ यह कहा जाता है कि हम चाहते हैं कि सात साल कर दिया जाये। प्रधान मंत्री से इथील की जाती है कि वह सात साल कर दें। सवाल यह है कि वह सात साल क्यों कर दें।

MR. DEPUTY-SPEAKER: Now it is 8 O'Clock. If you want to sit, it is upto you.

20.02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, October 30, 1976|Kartika 8, 1898 (Saka).

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